

Cause No. PD-0181-17

**IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
8/9/2017
DEANA WILLIAMSON, CLERK

JUAN ANTONIO GONZALEZ

APPELLANT

V.

THE STATE OF TEXAS

APPELLEE

**STATE'S RESPONSE TO APPELLANT'S MOTION TO SET BAIL
FOLLOWING REVERSAL ON APPEAL**

NOTE: One of the State's appendices contains sensitive information that could not be redacted. Those documents will be sent separately in an envelope with the hard copy of this filing.

COMES NOW, the State of Texas, appellee, in the above-styled cause, and files this, the State's response to appellant's motion to set bail following reversal on appeal, and would show the Court as follows:

I. Procedural history

On January 25, 2017, in an unpublished opinion, the Eighth Court of Appeals reversed Gonzalez' conviction for murder and remanded the case to the trial court. *See Gonzalez v. State*, No. 08-14-00293-CR, 2017 WL 360690, at *25 (Tex.App.–El Paso, Jan. 25, 2017, pet. granted)(not designated for publication).

The State timely filed its petition for discretionary review on February 24, 2017. On July 19, 2017, Gonzalez filed his response to the State’s PDR, and on August 3, 2017, he filed a motion for bail following reversal on appeal.¹ For the following reasons, the State requests that bail be set at an amount no less than \$2,000,000, which is no greater than his pretrial bail amount. *See* (Appendix K—trial court’s order setting bond at \$1,000,000 surety bond and \$1,000,000 personal-recognition bond).²

II. Analysis

The main objective of an appeal bond is to secure the appellant’s apprehension if his conviction is subsequently reinstated or affirmed. *See Ex parte Rubac*, 611 S.W.2d 848, 849 (Tex.Crim.App. 1981); *see also* TEX. CRIM. PROC. CODE art. 44.04(h). Generally, the primary factors to consider when determining what constitutes reasonable bail pending an appeal are the nature of the offense and the circumstances surrounding its commission and the length of the sentence. *See id.*; *Werner v. State*, 445 S.W.3d 301, 305 (Tex.App.—Houston [1st Dist.] 2013,

¹ In his bail motion, relying solely on his lack of criminal history and his United States citizenship, Gonzalez makes a global request for reasonable bail but does not specify what amount he contends is “reasonable.” *See* (Appellant’s Motion to Set Bond).

² In the interest of judicial economy, the State has attempted to provide this Court with only relevant portions of its documentary evidence. However, the State will gladly provide this Court with any additional portions of these documents that this Court wishes to review.

no pet.). Other factors to consider in setting bail include: (1) the future safety of any victims of the offense and the community, (2) appellant's work record, (3) appellant's community and family ties, (4) appellant's length of residency, (5) appellant's ability to make bail, (6) appellant's prior criminal record, (7) appellant's conformity with previous bond conditions, (8) the existence of other outstanding bonds, and (9) the aggravating circumstances involved in the offense. *See Ex parte Rubac*, 611 S.W.2d at 849-50; *Werner*, 445 S.W.3d at 305.

A. Nature of the offense and the circumstances surrounding its commission, the aggravating circumstances involved in the offense, and the length of the sentence

The evidence presented at trial demonstrated that Gonzalez' victim, 28-year old Jonathan Molina ("Molina"), suffered a fatal head injury as a result of Gonzalez' willful and unrelenting attack on him (Molina) following a verbal altercation, and that Gonzalez, indifferent to Molina's resulting visible and serious injuries, left a virtually unconscious and convulsing Molina bleeding on a sidewalk shortly before evading police. (RR2 at 161, 166-70, 203); (RR3 at 57, 134); (RR5 at 191); (SX10).³

³ Throughout this response, references to the clerk's record of Gonzalez' trial will be made as "CR" and page number, references to the reporter's record will be made as "RR" and volume and page number, and references to exhibits will be made as either "SX" or "DX" and exhibit number.

As one of the witnesses to the altercation, Erin Lile (“Lile”), testified at trial, Gonzalez’ attack on Molina was vicious and deliberate—“I mean, knocked him off his feet to where, again, from my view, it looked like he flew backwards. I mean, feet off the ground, down to the ground....[H]is whole body went horizontal, and his head, his whole body hit the ground.” (RR3 at 169). Disputing Gonzalez’ claim that he simply “shoved” Molina, Lile emphasized that it was “more than a shove” and that Gonzalez “completely...rammed [Molina].” (RR3 at 195).

Even after Molina’s head hit the concrete, Gonzalez climbed on top of Molina and started pummeling Molina in the face with both fists. (RR3 at 161, 254-56); (RR4A at 40-42, 49, 51); (Appendix C [Sept. 25, 2012, interview of Alan Medrano (“Medrano”)] at 10-11, 19, 23); (Appendix E [Sept. 28, 2012, interview of Juan Antonio Gomez (“Gomez”)] at 10). And despite the fact that Molina was not responding or fighting back,⁴ Gonzalez did not stop punching or climb off Molina until his friends pulled him off and told him “enough.” (RR3 at 257-58); (RR4A at 106-07); (Appendix D [Oct. 3, 2012, interview of Medrano] at 38, 41).

Gonzalez’ friends, Medrano and Gomez, who witnessed the altercation between Molina and Gonzalez, told police that Gonzalez, who they described at

⁴ Notably, the medical examiner testified that Molina was likely knocked unconscious when his head struck the concrete. (RR4B at 63-65).

“having a temper,” *see* (Appendix C [Sept. 25, 2012, interview of Medrano] at 19—wherein Medrano described Gonzalez as someone who became aggressive “if you push his button”); (Appendix E [Sept. 28, 2012, interview of Gomez] at 12—wherein Gomez explained, “both of them [Molina and Gonzalez] were getting mad, but—but [Gonzalez] here had his temper”), did not let up on Molina until they intervened and pulled him (Gonzalez) off him. *See* (Appendix D [Oct. 2, 2012, interview of Medrano] at 38, 41—wherein Medrano told detective that when Gonzalez punched Molina on the ground, Medrano told Gonzalez “enough, enough” and that “you already beat him up,...[s]top,” explaining that Gonzalez was going to strike Molina again); (Appendix E [Sept. 28, 2012, interview of Gomez] at 10-11, 20, 23-25—wherein Gomez explained that after Gonzalez tackled Molina to the ground, held him down with one hand, and then punched him in the face, Gomez stepped in, grabbed Gonzalez and pulled him off Molina, and told him “let’s go”).

The record demonstrates that the seriousness of Molina’s condition, a result of Gonzalez’ physical attack, was evident to everyone at the scene. Contrary to Gonzalez’ claim at trial that it looked like Molina was fine and was brushing himself off when he (Gonzalez) walked away, his own Facebook messages to his then-girlfriend and Medrano’s statements to the police indicated otherwise—in his

own words, Gonzalez stated that Molina started twitching and bleeding, and Medrano told police that Molina was “stiff, just stiff,” “just laying [sic] there” with his eyes closed. (RR3 at 257); (RR5 at 169, 188, 191-92); (SX10B).

Additionally, the medical examiner testified that Molina was likely unconscious from the time that his head struck the sidewalk. (RR4B:63-65). And Lile testified that Molina’s face was bloodied, covered in knots, and “blown up” from the beating. (RR3:175-76, 203-04); (SX46).

Gomez and Medrano, likewise, told police that Molina was “knocked out cold” after his head struck the concrete and before they pulled Gonzalez off of him. *See* (Appendix C [Sept. 25, 2012, interview of Medrano] at 22-23—wherein Medrano explained that when Gonzalez tackled Molina, Medrano could see that Molina had a cut on his forehead and that, at some point before Gonzalez stopped striking him, he saw Molina’s hands drop, that Molina seemed to be “knocked out cold,” and that he “got stiff and he was just laying down on the ground like that”); (Appendix E [Sept. 28, 2012, interview of Gomez] at 20—wherein Gomez explained that after Gonzalez tackled and punched Molina, and after Gomez pulled Gonzalez off Molina, Molina started twitching).

But despite Molina’s obvious and serious injuries, and despite a bystander’s pleas to come back, Gonzalez and his friends simply walked away, leaving Molina

behind. (RR3 at 134-37, 141, 151). Though Gonzalez denied ignoring a bystander's plea to return to where Molina lay, the testimony at trial established that Gonzalez, indeed, ignored one of the bystanders who had yelled at him to "get back here," flippantly throwing his arm up in disregard while continuing on his way and failing to ever summon medical aid, even though, in his own words (as evidenced by his message to Medrano via Facebook soon after the incident), Gonzalez believed he had killed Molina. (RR3 at 134-37, 151, 256, 259); (RR5 at 152-53, 190, 200-01); (SX10A—wherein Gonzalez told Medrano, "I hope you didn't get caught. I killed the guy. He went into compulsions [sic] and died.")). Gonzalez admitted that he ran from the scene when he heard that someone was calling the police, shortly thereafter evading police. (RR5 at 147-48, 168); *see also* (Appendix D [Oct. 3, 2012, interview of Medrano] at 43).

The brutal nature of the offense, the fact that Gonzalez has been charged with the very serious offense of murder, which carries a punishment of 5-99 years' or life imprisonment, and Gonzalez' callous disregard for his severely injured victim warrant the setting of a high amount for bail. *See* TEX. PENAL CODE § 12.32; *Ex parte Saldana*, Nos. 13-01-360-CR, 13-01-361-CR, 2002 WL 91331 at *4 (Tex.App.—Corpus Christi, Jan. 24, 2002, no pet.)(not designated for publication)(upholding a \$1,000,000 bond based partly on the brutal nature of the

capital-murder offense, during which each of the two victims received two shots to the head, where the record demonstrated a violent, unprovoked killing and an appalling lack of concern for human life), *overruled on other grounds by Ramos v. State*, 89 S.W.3d 122 (Tex.App.–Corpus Christi 2002, no pet.).

B. The future safety of the community

During their police interviews, Gomez and Medrano described Gonzalez as someone who had a temper and could become aggressive whenever his “buttons were pushed.” (Appendix C [Sept. 25, 2012, interview of Medrano] at 19—wherein Medrano described Gonzalez as someone who became aggressive “if you push his button”); (Appendix E [Sept. 28, 2012, interview of Gomez] at 12—wherein Gomez explained, “both of them [Molina and Gonzalez] were getting mad, but—but [Gonzalez] here had his temper”). But more importantly, Medrano’s police interviews reveal that Gonzalez, who could be easily become aggressive if provoked, had a flippant attitude about engaging in physical fights, but that he was well aware of the potential for serious injury or death if he used his knowledge of take-down maneuvers against someone.

In explaining how Gonzalez had taught him how to take people down, to “use their own force against them,” and to then “have them on the ground,” Medrano asserted that Gonzalez, who was strong, was proficient in “take downs,”

and had “a lot of body strength,” was easily able to take down someone bigger than him. *See* (Appendix C [Sept. 25, 2012, interview of Medrano] at 19); (Appendix D [Oct. 3, 2012, interview of Medrano] at 10-11, 13). He further related that Gonzalez, who was aware that Medrano knew how to fight, would ask him (Medrano) why he did not just simply use his knowledge to fight with people he disliked. (Appendix D [Oct. 3, 2012, interview of Medrano] at 10-11, 13, 16—wherein Medrano told the detective that Gonzalez was “pretty good” at take-downs and that Gonzalez, knowing that Medrano knew how to fight, would ask him, “why don’t you just fight with the people that you don’t like?”). In response, Medrano warned Gonzalez that fighting should not taken lightly and should be avoided—that he (Gonzalez) should walk away if anyone tried to start a fight with him because he could really hurt someone “to the point where he might even kill them.” (Appendix D [Oct. 3, 2012, interview of Medrano] at 17-18).

As such, Gonzalez’ flippant attitude about physical violence, his disregard for its potential to inflict serious bodily injury or death, and the ease with which he can be provoked into extreme physical violence—a fact that Gonzalez demonstrated when he violently lashed out at Molina during a verbal altercation and did not relent until his friends intervened—poses a threat to the community and warrants the setting of a high bond. *See, e.g., Ex parte Chayfull*, 945 S.W.2d

183, 186-87 (Tex.App.–San Antonio, no pet.); *Ex parte Cooper*, No. 14-10-00346-CR, 2010 WL 2681727, at *4 (Tex.App.–Houston [14th Dist.], July 8, 2010, pet. ref'd)(mem. op.)(not designated for publication)(cases considering appellant's potential threat to the community, based partly on the violent nature of the instant or past offenses, in upholding the trial court's denial of a bond reduction).

C. Appellant's work record, community and family ties, and flight risk

As discussed above, the main objective of an appeal bond is to secure the appellant's apprehension if his conviction is subsequently reinstated or affirmed. *See Ex parte Rubac*, 611 S.W.2d 848, 849 (Tex.Crim.App. 1981). But, by his own motion to set bond, Gonzalez shows that he has no definitive plans to remain in the jurisdiction where his case remains pending, and that he plans to live either with his father in El Paso, Texas, or with his aunt in San Antonio, Texas.

Gonzalez' correspondence with family members during the pendency of his trial reveal that he has family ties that extend not only outside the county, but outside the state. During the two years that he remained in custody awaiting trial, Gonzalez corresponded via mail with family in Austin, Texas, and Rowland Heights, California, as well as with his biological mother, Jessica Hernandez

(“Hernandez”), in New Meadows, Idaho. *See* (Appendices H-I, jail mail).⁵

Significantly, when Hernandez spoke with police prior to Gonzalez’ trial, she told them that if Gonzalez bonded out, he would flee and attempt to evade apprehension. *See* (Appendix J–Oc. 4, 2012, investigative supplement). And as Gonzalez himself admitted at trial, he ran from the scene when he heard that someone was calling the police, shortly thereafter evading police. (RR5 at 147-48, 168).

Trial testimony established that Gonzalez was in the 10th grade and was attending a credit-recovery school at the time of the offense, (RR5 at 58, 60), and, as such, it follows that Gonzalez never graduated high school. Therefore, the evidence does not show that Gonzalez will have gainful employment that might serve as an incentive for him to remain in this jurisdiction.

Gonzalez’ lack of definitive plans to remain within the jurisdiction, his failure to demonstrate that he will be able to find gainful employment in Texas, his family connections to distant Texas cities, California, and Idaho, and his immediate flight from the crime scene make him a significant flight risk and warrant the setting of a high amount for bail. *See Ex parte Brown*, No. 05-00-

⁵ The State has redacted sensitive information from its exhibits with a black marker. Appendix G, which contains several letters from relatives of Gonzalez who appear to be minors, has been included in the separate envelope for this Court’s review.

00655-CR, 2000 WL 964673 at *2 (Tex.App.–Dallas, July 13, 2000, no pet.)(not designated for publication)(upholding a \$1,000,000 bond based partly on appellant’s failure to present testimony regarding his work record and his community ties); *Conde v. State*, No. 14-95-01215-CR, 1996 WL 11224, at *2 (Tex.App.–Houston [14th Dist.], Jan. 11, 1996, no pet.)(not designated for publication)(upholding \$1,000,000 bond based in part on appellant’s lack of ties to the county of jurisdiction and his family ties outside the state and the country).

D. Appellant’s ability to make bail

In his motion to set bond, Gonzalez makes absolutely no showing as to his ability or inability to make bail. In any event, a person’s inability to pay does not control the amount of bail and is merely another factor to be considered. *See* TEX. CODE CRIM. PROC. § 17.15(4); *Ex parte Reyes*, 4 S.W.3d 353, 355 (Tex.App.–Houston 1st Dist.] 1999, no pet.).

E. Additional factors

The Fourteenth Court of Appeals has held that when bail is requested under article 44.04(h) of the Code of Criminal Procedure, “...the primary factors that should be considered by the court of appeals are: (1) the fact that the conviction has been overturned; (2) the State’s ability, if any, to retry the appellant; and (3) the likelihood that the decision of the court of appeals will be overturned.” *See*

Aviles v. State, 26 S.W.3d 696, 699 (Tex.App.–Houston [14th Dist.] 2000, no pet.).

As Justice Frost explained in her dissenting opinion in *Aviles*, these additional factors do not advance the legitimate ends and objectives of setting bail. *See Aviles*, 26 S.W.3d at 701-03 (Frost, J., dissenting). Specifically, Justice Frost explained that the fact that the conviction has been overturned goes to the eligibility for bail, not to its reasonableness. *See id.* at 702. Additionally, the question of whether the State can retry appellant erroneously assumes there is only one possible outcome in this Court and ignores the equally possible outcome that the lower court's decision could be reversed and appellant's lengthy (in this case, 50-year long) sentence reinstated. *See id.* With respect to the third factor, Justice Frost explained that engaging in an analysis to determine the likelihood that the appellate court's decision will be overturned places too much focus on considering the merits of the underlying case, rather than the intended role of bail on appeal, which is to ensure the appellant's appearance should his sentence be reinstated. *See id.*

But to the extent this Court considers these additional factors, the Eighth Court of Appeals has reversed Gonzalez' conviction, and should this Court affirm the Eighth Court's decision, the State will retry Gonzalez for murder.

For all the foregoing reasons, the State requests that Gonzalez' bail be set at

an amount no less than \$2,000,000, which is the same as his pretrial bond amount.

PRAYER

WHEREFORE, the State prays that this Court sets the appellant's bail at an amount no less than \$2,000,000.

Respectfully submitted,

JAIME ESPARZA
DISTRICT ATTORNEY
34th JUDICIAL DISTRICT

/s/ Raquel López

RAQUEL LOPEZ
ASST. DISTRICT ATTORNEY
DISTRICT ATTORNEY'S OFFICE
201 EL PASO COUNTY COURTHOUSE
500 E. SAN ANTONIO
EL PASO, TEXAS 79901
(915) 546-2059 ext. 4503
FAX (915) 533-5520
raqlopez@epcounty.com
SBN 24092721

ATTORNEYS FOR THE STATE

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on August 9, 2017, a copy of the foregoing response was sent by email, through an electronic-filing-service provider, to appellant's attorney: Ruben P. Morales, rbnpmrls@gmail.com.

/s/ Raquel López

RAQUEL LOPEZ

APPENDIX

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

IN RE THE MARRIAGE OF JESSICA ANN GONZALEZ and JESUS SOLIS GONZALEZ

Upon the Petition of

JESSICA ANN GONZALEZ,
SSN 484-17-5426
Petitioner,

and Concerning

JESUS SOLIS GONZALEZ,
SSN 554-85-0995
Respondent.

*

D.M. NO. CD 56973

*

*

*

DECREE OF DISSOLUTION
OF MARRIAGE

*

*

NOW on this 31 day of July, 1998, the above cause comes on for hearing, the Petitioner and her attorney, Jean Schlichtemeier, having read and approved the Decree, and the Respondent appearing in person and with his attorney, Michael B. Oliver. The Court, having examined all pleadings and documents filed herein and having been advised in the premises, makes the following:

FINDINGS OF FACT

1. Due, proper and timely Original Notice was accepted by or served upon the Respondent. This Court has jurisdiction of the cause, both of the parties and of the subject matter.

2. More than ninety (90) days have elapsed since the Original Notice was served; the proposed Decree of Dissolution herein has been approved and accepted by each of the parties.

3. There is no reasonable likelihood that conciliation efforts would preserve the marriage and, therefore, conciliation procedures should be waived.

4. Pursuant to Section 598.21(7), Iowa Code, 1997, the Court finds that the names, birth dates, addresses and counties of residence of the

Appendix A

parties are as follows: Petitioner: Jessica Ann Gonzalez, 2225 Grand Avenue, Apt. 207, Des Moines, Polk County, Iowa, born January 6, 1977; Respondent: Jesus Solis Gonzalez, 2225 Grand Avenue, Apt. 207, Des Moines, Polk County, Iowa, born August 15, 1969.

5. The material allegations of the Petitioner's Petition are supported by competent evidence which is uncontroverted and the marriage should be dissolved.

ORDERS OF THE COURT

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that:

1. Conciliation. Conciliation procedures are hereby waived.
2. Dissolution Granted. Petitioner and Respondent be and they are hereby granted an absolute Decree of Dissolution of Marriage, their marriage is terminated, and the parties are restored to the status, right and privileges of single and unmarried persons.
3. Sole Custody. Respondent is granted sole legal custody of the minor child: Juan Antonio Solis Gonzalez, born March 6, 1995. The Petitioner represents to the Court through her signature on this decree that she is in agreement that the Respondent be granted sole legal and physical custody. Further, the parties agree that the distance that the parties intend to live from one another upon the entry of this decree would render to object of joint legal custody as impractical and not in the best interests of the child.
4. Child Support. For support of the children, Petitioner shall pay to the Respondent the sum of \$50.00 per month commencing June 1, 1998, to be paid through the Clerk of Court, Polk County Courthouse, 500 Mulberry Street, Des Moines, Iowa 50309, until such time as the child attains the age of eighteen (18) years, marries, or becomes self-supporting, whichever shall

first occur; provided, however, that if the child is in the last year of high school, when the child attains the age of eighteen (18), support payments for the child shall continue until the school year is completed.

5. Continuing Duty to Provide Information. Each party to this action shall file with the Clerk of Court or the Child Support Recovery Unit, as appropriate, upon entry of this Decree, and shall update as appropriate, information on the location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address and telephone number of the party's employer. In any subsequent child support action initiated by the Child Support Recovery Unit or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such party, the Unit or the Court may deem due process requirements for notice and service of process met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the Clerk of Court or Unit pursuant to this Decree. This information shall only be disclosed and used pursuant to Iowa Code Section 598.22B, and shall not be deemed a public record.

6. Medical/Hospital Insurance and Expenses. The Respondent shall provide the medical and hospital insurance on the parties' minor child. Further, each party shall be responsible for one-half of the reasonable costs of medical, dental, orthodontic, optical, health care, prescription, or counseling not otherwise paid by insurance.

7. College Education. It is specifically provided that the Court shall retain jurisdiction over the parties and the subject matter to allocate and determine the amount and length of time said college education expenses

will be provided for the child and to allocate said expenses between the parties.

8. Tax Returns. The Petitioner / Respondent is entitled to claim the minor child as a dependent on his federal and state tax returns.

9. Motor Vehicles. Petitioner shall be awarded the 1988 Ford Tempo free and clear of any claim of Respondent. Respondent shall execute all documents necessary to transfer said vehicle to Petitioner, if any.

10. Personal Property. Each party shall be entitled to the personal property now in their respective possessions free and clear of any claim of the other party.

11. Alimony. Neither party is entitled to alimony and the Court therefore awards no alimony to either the Petitioner or Respondent.

12. Debts. Each party shall be responsible for any debts incurred from and after the separation of the parties.

13. Attorney's Fees and Court Costs. Each party shall be responsible for their own attorneys' fees incurred in connection with this matter and the parties shall share equally in the costs of this action.


14. Change of Residence Out of State. It is understood by the parties that the Petitioner and Respondent may change their permanent residence to a State other than Iowa within six (6) months of the date of this decree and that such change of residence does not constitute a material change of circumstances subject to review by the Court.

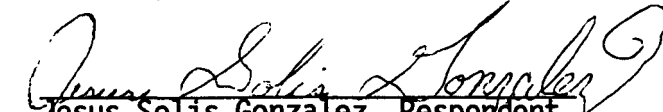



JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

Approved as to form and content:


Jessica Ann Gonzalez, Petitioner


Jean Schlichtemeier
Attorney for Petitioner


Jesus Solis Gonzalez, Respondent


Michael B. Oliver
Attorney for Respondent

**SALT LAKE CITY - COUNTY HEALTH DEPARTMENT
DIVISION OF VITAL STATISTICS**

3000000000387

STATE OF UTAH - DEPARTMENT OF HEALTH

LOCAL FILE NUMBER **18 3386** CERTIFICATE OF LIVE BIRTH

STATE BIRTH NUMBER

1. CHILD'S NAME			
FIRST	MIDDLE	LAST	
Juan Antonio Solis Gonzalez			
2. SEX	3a. DATE OF BIRTH (Month, Day, Year)		3b. TIME OF BIRTH (24 HOUR CLOCK)
Male	March 6, 1995		00:48
4a. PLACE OF BIRTH			
<input type="checkbox"/> Hospital <input type="checkbox"/> Freestanding Birthing Center <input type="checkbox"/> Clinic/Doctor's Office <input type="checkbox"/> Residence Planned <input type="checkbox"/> Residence Unplanned			
4b. PLACE OF BIRTH - HOSPITAL NAME (if not in hospital, give street and number)		4c. CITY, TOWN, OR LOCATION OF BIRTH	4d. COUNTY OF BIRTH
FHP Utah Hospital		Salt Lake City	Salt Lake
5a. I CERTIFY THAT THIS CHILD WAS BORN ALIVE AT THE PLACE AND TIME AND ON THE DATE STATED ABOVE.			5b. DATE SIGNED (Month, Day, Year)
Signature <i>Vicky Curtis</i>			03/17/1995
5c. CERTIFIER'S NAME & TITLE			
Vicky Curtis			
<input type="checkbox"/> Hospital Admin. <input checked="" type="checkbox"/> Designated Representative			
6a. I CERTIFY THAT THIS CHILD WAS BORN ALIVE AT THE PLACE AND TIME AND ON THE DATE STATED ABOVE.			
Signature <i>Walter Townson</i>			
6b. ATTENDANT'S NAME AND TITLE (MO, DO, CERTIFIED NURSE MIDWIFE, OTHER MIDWIFE, OTHER)			
Walter Townson MD			
6c. MAILING ADDRESS OF ATTENDANT (Street, or RFD. No., City or Town, State, Zip)			
2500 South State Street Salt Lake City Utah 84115			
8a. MOTHER'S NAME		8b. MAIDEN LAST NAME	
FIRST	MIDDLE	LAST	
Jessica	Ann	Gonzalez	Delmott
9. DATE OF BIRTH (Month, Day, Year)		10. STATE OF BIRTH (if not in USA, name country)	
January 6, 1977		Iowa	
11a. RESIDENCE - STREET AND NUMBER OF RESIDENCE		11b. CITY, TOWN, OR LOCATION	
768 North Redwood Road #2		Salt Lake City	
11c. INSIDE CITY LIMITS		11d. COUNTY	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Salt Lake	
12a. MOTHER'S MAILING ADDRESS (if same as above, enter zip code only)		12b. CITY OR TOWN	12c. STATE
			12d. ZIP CODE
			84116
13. FATHER'S NAME			
FIRST	MIDDLE	LAST	
Jesus Solis Gonzalez			
14. DATE OF BIRTH (Month, Day, Year)		15. STATE OF BIRTH (if not in USA, name country)	
August 15, 1969		Texas	
16a. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. (Signature of Parent or other informant)			16b. Parental permission is given to provide the child's name and date of birth to the Social Security Administration for purposes of issuing a social security number to the newborn. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
17a. REGISTRAR'S Signature <i>Thomas L. Schlemer</i>			17b. DATE RECEIVED BY REGISTRAR (Month, Day, Year) MAR 21 1995

Appendix B

This is to certify that this is a true copy of the information on file in this office. This certified copy is issued under authority of Section 26-15-26 of the Utah Code Annotated, 1953 as amended.

Date Issued **NOV 27 1995**

185181

Thomas L. Schlemer MD
Thomas L. Schlemer, MD
Director of Health

Mary Lee J. McKay
DEPUTY REGISTRAR



TRANSCRIPT OF VIDEO INTERVIEW OF

ALAN MEDRANO

TUESDAY, SEPTEMBER 25, 2012

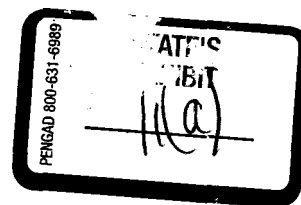
8:21 P.M.

Case No. 12-269198

Detective Lozano

ID No. 1389

Location: (Not stated)



ORIGINAL

INTERVIEW OF ALAN MEDRANO

BY DETECTIVE LOZANO:

Q. Okay. All right. I'm Detective Lozano with the police department. My ID number is 1389. Okay?

A. Okay.

Q. Today we're gonna talk about -- about a case where an off-duty police officer with the El Paso Police Department --

A. Uh-huh.

Q. -- was assaulted at 4120 Trowbridge. Okay?

A. Okay.

Q. The case number is 12-269195 [sic]. All right? And you were arrested later. You were arrested for evading arrest.

A. Yes, sir.

Q. Okay. And that case number is 12-269218. Okay?

A. Uh-huh.

Q. And before I ask you any questions, okay, I want you to -- I'll open these up right now, but today's date is September 25th, and the time right now is 8:21. 8:21, okay?

A. Uh-huh.

Q. Under the evading arrest case --

A. Uh-huh.

Q. -- case number 12-269218, Sergeant Cintrón, who also works for the El Paso Police Department, read you your rights before asking you any questions.

A. Yes, sir.

1 Q. And what -- I want to do this -- these rights are
2 continuing rights, okay --

3 A. (Nodding.)

4 Q. -- for the case I'm gonna talk to you about.

5 A. Uh-huh.

6 Q. And I want to make sure you understand your rights,
7 okay?

8 A. Yes, sir.

9 Q. What I want you to do is I want you to read your rights
10 from 1 to 6.

11 A. Okay.

12 Q. And I want to make sure you understand your rights.
13 Can you read them for me, please?

14 A. Yes, sir.

15 "You have the right to remain silent and not make
16 any statements at all, and any statements you make may be used
17 against you at trial."

18 Q. Do you understand that?

19 A. Yes.

20 Q. Okay.

21 A. "Any statement you make may be used as evidence against
22 you in court."

23 Q. Do you understand that?

24 A. Uh-huh.

25 Q. Okay.

1 A. "You have the right to have a lawyer present to advise
2 you" -- advise?

3 Q. "Advise you."

4 A. -- "advise you" pure --

5 Q. "Prior to."

6 A. -- "prior to and during any questions." I don't know
7 what that is.

8 Q. Okay. What that means is that you can have an attorney
9 assigned to you before and during any questions. That's what it
10 means.

11 A. Okay. "If you are unable to employ a lawyer, you have
12 the right -- you have the right to have a lawyer appointed to
13 advise you pure [sic] to or during any questions."

14 Q. Okay.

15 A. "You have the right to terminate the interview at any
16 time."

17 Q. Do you understand that?

18 A. Yeah.

19 Q. Okay.

20 A. "If you are not a United States citizen, you have the
21 right to con- -- contact your" --

22 Q. "Consulate."

23 A. -- "consulate."

24 Q. Are you a U.S. citizen?

25 A. Yes, I am, sir.

1 Q. Yeah. You don't have to worry about that.

2 A. "I understand my rights and I hereby --

3 Q. "Knowingly."

4 A. -- "knowingly, intelligent -- intelligently" --

5 Q. -- "ly" --

6 A. -- "and voluntarily waive these rights."

7 Q. Do you understand that?

8 A. Yes, sir.

9 Q. You signed -- are these your initials right here?

10 A. Yes, sir.

11 Q. What are the initials?

12 A. It's A.M.

13 Q. A.M. Okay.

14 A. Uh-huh.

15 Q. Is that your signature?

16 A. Yes, sir.

17 Q. What time and date did you sign that?

18 A. I signed it on the 9/25 of 2012 at 5:55 p.m.

19 Q. Okay. And again, these rights will continue, all
20 right?

21 A. Okay.

22 Q. You understand that?

23 A. Yes, sir.

24 Q. All right. Do you want to talk to me about this case?

25 A. Yes, sir.

1 Q. Yes? Okay. Well, the case we're gonna talk about
2 is -- pertains to the -- the assault that happened at 4120
3 Trowbridge, okay?

4 And can you state your name for me?

5 A. My name is Alan Medrano.

6 Q. What is your date of birth?

7 A. 10/25/92.

8 Q. Okay. Your Social Security number?

9 A. I don't know it.

10 Q. You don't know it?

11 A. I don't know it by memory.

12 Q. Okay. Where do you live?

13 A. I live on 511 Mission Street.

14 Q. Apartment number?

15 A. No apartment, sir.

16 Q. Okay. Phone number? Do you have a cell?

17 A. Yes, it's 915.

18 Q. Uh-huh.

19 A. 247-1440.

20 Q. Okay. Are you going to school?

21 A. Yes, sir.

22 Q. What school?

23 A. Currently attending high -- Sunset High School.

24 Q. What grade?

25 A. I'm a senior. I mean -- yeah, senior.

1 Q. Senior?

2 A. Uh-huh.

3 Q. Okay. And you understand and you write the English
4 language?

5 A. Yes, sir.

6 Q. Do you speak Spanish?

7 A. Uh-huh.

8 Q. Okay. Okay. Can you -- do you know what you're doing
9 here?

10 A. No.

11 Q. No?

12 A. (Shaking head.)

13 Q. Well, you were arrested for what?

14 A. Oh, yes. For running away from a police officer.

15 Q. Okay.

16 A. Yes, sir.

17 Q. And now it's gonna come in towards the end, this case
18 that I'm gonna talk to you about.

19 A. Okay.

20 Q. Okay? What I want to know is what -- what -- what
21 happened today? Where were you at today?

22 A. Before all this happened?

23 Q. Yes.

24 A. I was in school.

25 Q. In school?

1 A. Uh-huh.

2 Q. And what time to what time do you attend school?

3 A. I attend from 8:45 until 3:45.

4 Q. 3:45?

5 A. Uh-huh.

6 Q. Okay. Who do you hang out with?

7 A. Johnny and Tony.

8 Q. Johnny and Tony?

9 A. Uh-huh.

10 Q. And do you hang out with them --

11 A. Constantly?

12 Q. Yes.

13 A. No.

14 Q. No?

15 A. Just sometimes when they want me to go over to their
16 house after school, usually I just go most of the times.

17 Q. Right.

18 A. 'Cause most of the times I work.

19 Q. Okay. But today you were hanging out with them?

20 A. Yes, sir.

21 Q. Okay. What happened after school?

22 A. We were walking home 'cause we went -- well, first we
23 went to the mechanic on Pershing 'cause we were trying to check
24 if my truck was fixed. They said no, so we went walking home.
25 We went down Trowbridge, like if we're going to the freeway.

1 And, well, we were passing through cars, and all of a sudden some
2 car parked in front of us really quick and --

3 Q. What do you mean?

4 A. -- some guy --

5 Q. What do you mean, "parked"?

6 A. Like *como que parqueo así en frente de nosotros*. **[Like**
7 **he kind of parked like that in front of us.]** Not like that, *pero*
8 *así como en [but like if]* --

9 Q. Talk in English.

10 A. Okay. It parked like right in front of -- not in front
11 of us, but on the side on like a parking spot. And the guy came
12 out and he -- and he yelled out, "So what's up, bitch," to Tony.

13 And Tony was like, "What happened," you know.

14 And this guy's -- all of a sudden he started
15 yelling at him, cussing at him, and saying that he was a police
16 officer. And Tony was like, "Nah, I didn't" -- 'cause he --
17 well, first of all, he started accusing him that he scratched his
18 car. But I -- like I -- since how I told you right now, I wasn't
19 looking behind me so I can't really tell. It's a maybe or maybe
20 not. And he was like, "I didn't scratch your car."

21 And he's all, "Yeah, you did. I saw you."

22 And he's like, "I didn't scratch your car. I
23 don't have anything in my hand."

24 And he's saying -- he got mad. He started cussing
25 at him and that's when Johnny got in. And Johnny was like,

1 "Chill. Chill out."

2 Q. What do you mean by, "got in"? How -- how did Johnny
3 get in?

4 A. Johnny pushed Tony away and he just got into it, like
5 into the conversation that they were both having. And he told
6 him like, you know, "Calm down, dude, you know. Like, we don't
7 want to have any problems. I mean, you're coming here cussing at
8 us saying that we did this and we didn't do anything."

9 Q. How close were you from them?

10 A. Like -- probably like a house, like half a house away
11 from the house that where he's at, like probably like -- like at
12 the end of the house, around there.

13 Q. So you were pretty far away from --

14 A. Yeah, from -- what they were going on.

15 Q. Okay. And then what happened?

16 A. Well, they say -- like they started yelling at both of
17 each other. They started arguing until this guy pushed him first
18 with his shoulder. That's when --

19 Q. Which guy?

20 A. The police officer. Yeah. And he pushed him with the
21 shoulder and that's when Johnny swunged [sic] at him and he hit
22 him in the face. Then he tackled him on the floor. And then
23 that's when he punched him three times. And then that's when
24 every -- that's when Tony came in and said, "Hey, stop, you know,
25 we have to go." And, well, we left.

1 Q. You left. You left him there on the ground?

2 A. Yeah.

3 Q. And you said he was -- how many --

4 A. How many times did he hit him?

5 Q. Yeah.

6 A. Well, like four. With the first one, and then three on
7 the floor.

8 Q. With which hand?

9 A. His right hand.

10 Q. His right hand. Let's go back a little bit.

11 A. Okay.

12 Q. Okay? You're saying you're walking from -- from the
13 school. You're walking to whose house?

14 A. Johnny's.

15 Q. Johnny's house. And where does he live?

16 A. He lives in the Trowbridge apartments. I think they're
17 called Timber- -- no. Well, I don't know. Well, I just call
18 them the Trowbridge apartments.

19 Q. Okay.

20 A. They're on Trowbridge.

21 Q. Okay. And you're walking to his house --

22 A. Yes.

23 Q. -- from school. Where were you at when you guys were
24 walking towards his house?

25 A. We were walking through Montana.

1 Q. Okay. But what I'm saying, where were you at? Were
2 you behind? How were you positioned when you're walking
3 towards --

4 A. I was behind them. Like after all this happened, I
5 just stood behind them.

6 Q. Before this happened?

7 A. Oh, before all that? I was in front of them.

8 Q. In front of them?

9 A. Uh-huh.

10 Q. So Johnny and Antonio were behind you?

11 A. Uh-huh.

12 Q. And I'm gonna ask you this and I want you to be honest.

13 A. Okay, sir.

14 Q. Okay? Did you see or did you hear somebody scratch a
15 car?

16 A. No. Like I had told you, it was just like 'cause I
17 wasn't really paying attention to what was going on my back, and
18 plus I had my -- my headphones on, so I wasn't paying attention
19 until when that guy just came up and started going at us.

20 Q. Okay. The fact that the officer came and parked in --
21 parked his car next to you guys and he came out, was he upset?

22 A. Yeah, he was.

23 Q. Okay. So he's upset over something that -- that he
24 perceived --

25 A. That --

1 Q. -- either he saw or he felt that -- and I think he was
2 going towards Antonio.

3 A. Yes, sir.

4 Q. Right?

5 A. Yes, sir.

6 Q. Do you think that Antonio is capable of scratching a
7 car?

8 A. Well, it's a maybe, because if you have something
9 against that person, probably, yes.

10 Q. Okay. Give me a second.

11 A. Okay.

12 Q. All right. The time right now is -- I'm gonna go with
13 my cell. I'm gonna step out real quick.

14 A. Uh-huh.

15 Q. And the time right now is 8:31, okay?

16 A. Okay.

17 DETECTIVE LOZANO: I'll be right back.

18 (Detective Lozano exits the room, and the
19 interview resumes as follows upon his return.)

20 Q. Okay, I'm back. Okay. The time right now is 8:32.

21 A. Okay.

22 Q. P.M. Okay. And -- and what I asked you was to tell me
23 in your opinion --

24 A. Uh-huh.

25 Q. -- okay, because you're saying you didn't hear --

1 A. I didn't hear.

2 Q. -- or see anybody of your friends, your two friends
3 scratch a car.

4 A. No, I didn't see him, you know.

5 Q. Of your two friends, Johnny González and Antonio
6 Gómez -- let me ask you this.

7 A. Okay.

8 Q. Was there anybody else with you, aside from Johnny
9 González and Antonio Gómez?

10 A. No, sir. It was just us. It was us three.

11 Q. Okay.

12 A. Uh-huh.

13 Q. So who do you think is the most capable of scratching
14 or -- or damaging a car -- or not a car, but --

15 A. Any kind of property.

16 Q. (Nodding.)

17 A. I would say Tony, but it's like, you know, I was just
18 explaining to you right now that it's a maybe, because he has to
19 have something against that person for him to be doing stuff like
20 that. 'Cause, I mean, I know his older brother, and his brother
21 is nothing like him. But I kind of know him, too, and I know him
22 that like the only way he would actually do something like that
23 is if he had something against that person. But I don't think
24 him and that police officer know each other.

25 Q. Okay. I'm gonna step off the case a little bit. Let

1 me ask you this. How long have you known Antonio?

2 A. I've known Antonio for like two years already.

3 Q. Two years?

4 A. Yes.

5 Q. In those two years, has he done anything to damage
6 property against somebody he hates, or . . .

7 A. Well, the time that I've been with him, like all this
8 time, no, I've never seen him do anything like that.

9 Q. Okay. What caused you to say that if he has something
10 against a person, he will --

11 A. 'Cause like I've seen it where he's -- where he has
12 something against someone and he like -- I don't know if he's
13 like -- he actually does them or he's just talk -- just saying,
14 well, I'm gonna go over to his house, or something like that, so
15 I really don't know, you know. I'm just saying it's like 50/50
16 chance that maybe he did, maybe he didn't.

17 Q. Would Johnny be capable of doing that?

18 A. No. Johnny, no.

19 Q. No. Okay. Did you do it?

20 A. No.

21 Q. You didn't scratch the car?

22 A. No.

23 Q. Did you see or hear anybody throwing rocks?

24 A. No.

25 Q. No rocks?

1 A. No rocks.

2 Q. No? Okay. So you guys continue walking. You said a
3 car --

4 A. -- parked on the side of us.

5 Q. -- parks on the side. Was he -- did he park real close
6 to you or in front of you or behind you?

7 A. Like behind us and he got off.

8 Q. Behind you?

9 A. Yes, sir.

10 Q. So you're walking and you had to turn when he
11 started --

12 A. Yelling at us.

13 Q. -- addressing you, yelling at you? You had to turn to
14 look at him?

15 A. Uh-huh.

16 Q. When he stepped out of the car, what was his demeanor,
17 the officer's?

18 A. Excuse me?

19 Q. What -- how -- how -- how -- how did he look? Can
20 you -- can you explain that?

21 A. He just looked upset.

22 Q. Upset?

23 A. For the scratch on the car.

24 Q. Like what do you mean by "upset"?

25 A. Like not mad, but he was just like -- I don't know.

1 Like he wasn't mad, 'cause I could -- I could tell the expression
2 when someone's mad, but he wasn't mad. He was just upset, like,
3 what's going on, like, what happened to my car, kinda like that.

4 Q. Did he stay by the car or he --

5 A. No. He walked --

6 Q. -- or what did he do?

7 A. -- close to us and that's when he started yelling at
8 my -- at Tony. He was just -- called him like, "What's up,
9 bitch," like that.

10 And that's when Tony like said, "*Pos que rollo*"
11 **[well, what's going on]**, you know. And then, well, they both
12 started arguing.

13 Q. Can you -- can you go in detail what -- what was the
14 exchange of words?

15 A. Well, it's 'cause like I wasn't really paying attention
16 to the words, but I -- like the one things I -- I only remember
17 what the guy said when he came in first and when Johnny got in
18 and pushed him -- (unintelligible). 'Cause -- 'cause they were
19 both arguing with like bad words and stuff like that. 'Cause he
20 was accusing him that he -- that he scratched his car, and Tony
21 was like, "Nah, I didn't -- I didn't scratch your car." And he
22 got mad and he's all saying -- he started calling him like a
23 little kid and stuff like that. And that's when Johnny got in
24 and Johnny -- that's when Johnny and him started arguing again
25 and, well, the guy punched him with the shoulder, and that's when

1 Johnny hit him.

2 Q. Who pushed who with the shoulder?

3 A. The guy from the car pushed Johnny with the shoulder.

4 Q. Okay.

5 A. And that's when Johnny swunged [sic] at him.

6 Q. Right. Okay. Can you give me a description of Johnny
7 González and how long do you know Johnny González, or have you
8 known him?

9 A. I've known Johnny for about four or five years.

10 Q. Four or five years.

11 A. When we were at Burges.

12 Q. Okay. Can you give me a description of him?

13 A. He's probably like 6' 1". He's taller than me, more
14 muscular, long hair, dresses with -- not like loose clothes.

15 Q. Race?

16 A. No. Huh?

17 Q. Race? Hispanic? Black? White?

18 A. Hispanic.

19 Q. Hispanic?

20 A. Yes, sir.

21 Q. How old is he?

22 A. 17.

23 Q. 17. Does he play any sports?

24 A. No. He used to do judo like a while back.

25 Q. Like how old -- how -- how long?

1 A. Like seven years ago.

2 Q. Okay. How would you describe him? Is he --

3 A. (Unintelligible.)

4 Q. -- athletic? Strong? Weak?

5 A. He's strong.

6 Q. He's strong.

7 A. He has a lot of body -- body strength.

8 Q. Okay. Tell me about his -- is he aggressive?

9 A. No. He's actually pretty calm, but he's the kind of
10 guy is if you push his button, that's when he gets aggressive.

11 Q. What -- what happened today? Why -- why did he -- why
12 did he do what he did?

13 A. Like, I really don't know what -- what happened. You
14 know, like I just heard that. But like after, when I saw Johnny
15 again and they were both arguing and when this guy was telling
16 him to -- to -- to get the fuck away, and -- the other guy
17 telling him to get the fuck away, and Johnny was like -- Johnny
18 was like, "No, I mean, this is a street. I can go wherever I
19 want."

20 Q. Right.

21 A. And he's -- well, they both started arguing. And all
22 of a sudden like I just see them get really, really close to each
23 other, and this guy just pushes Johnny like that. And when
24 Johnny gets pushed, Johnny swings at him automatically and hits
25 him. Then he tackles him on the floor and starts hitting him.

1 Q. How -- how did he -- first of all, how -- how did the
2 officer push Johnny?

3 A. Like --

4 Q. You're -- you're making an expression or a gesture --

5 A. Yeah.

6 Q. -- with your body. You're showing me and you're --
7 you're using your --

8 A. My shoulder.

9 Q. -- your left shoulder. Okay. So he -- the officer
10 pushes him with the left shoulder?

11 A. Yeah. And he pushes him. But, yeah, I think it was
12 with the left shoulder. He pushes him.

13 Q. Or you were doing --

14 A. I'm sorry, the right one.

15 Q. Right.

16 A. He pushes him, then Johnny goes back from the push.
17 And Johnny, like, he waits until he turns to Tony, 'cause he
18 started -- he still started yelling to Tony and this is when
19 Johnny hit him, 'cause he got mad.

20 Q. Hit him where?

21 A. Here, like -- like in the nose.

22 Q. In the nose?

23 A. Then he hit him there. The guy went back, like he -- I
24 think he got dizzy or something, and that's when Johnny picked
25 him up from the legs and dropped him and hit him like --

1 Q. Can you show me how he picked him up?

2 A. He grabbed him from his legs.

3 Q. Stand up. If I'm -- if I'm the officer and you are --
4 let me take them off. Yeah, I don't expect you to do it. Okay.
5 If I'm the officer and you are --

6 A. I'm Johnny.

7 Q. -- Johnny. You said how did -- did he --

8 A. Well, they were like -- like -- like this close to each
9 other like that.

10 Q. And the officer hit him how, with which --

11 A. He punched him like that.

12 Q. With this one?

13 A. Yes, sir.

14 Q. Like this?

15 A. Like that.

16 Q. And then?

17 A. Then after Johnny gets pushed, he turns to Tony and
18 starts yelling at Tony, you know.

19 Q. And then?

20 A. And that's when Johnny swings at him, but he was
21 like -- Tony was this side. He was like that.

22 Q. Okay.

23 A. And that's when Johnny swings at him, hits him in the
24 face. He goes back and Johnny just grabs him from the -- like
25 from here.

1 Q. Uh-huh.

2 A. And picks him up like that and just drops him like
3 that.

4 Q. Did -- did the officer hit -- go ahead and sit down.

5 A. Okay. You want me to put these back?

6 Q. No, that's all right.

7 A. No? Okay.

8 Q. Did the officer fall back?

9 A. Yes, sir.

10 Q. Can you tell me where the officer hit himself?

11 A. Back, head.

12 Q. The back of his head?

13 A. (Nodding.)

14 Q. Did Johnny -- did Johnny put his body weight on him?

15 A. Yeah. When he tackled him, yeah.

16 Q. Yeah?

17 A. Yeah.

18 Q. Did you see any blood?

19 A. No. Like 'cause I was -- you know how I told you I was
20 kind of far away from what happened? When -- when I got close,
21 like I -- like he was just -- like I could see that he had --
22 that he had a cut on his forehead, probably when he hit the --
23 the concrete.

24 Q. When you got close, how did the officer look?

25 A. Like knocked out cold.

1 Q. Knocked out?

2 A. Uh-huh.

3 Q. Can you explain that to me?

4 A. Like he was just stiff. Like he -- he got stiff and he
5 was just like laying down on the ground like that. 'Cause like
6 the only type of blood that I saw was like just a little cut that
7 he -- well, I don't know if it was a big cut or a little cut
8 'cause I wasn't like -- but, yeah, all I saw was he had a cut on
9 his forehead.

10 Q. Were his eyes closed?

11 A. Yeah.

12 Q. And was he breathing?

13 A. I don't know. Like I didn't -- like I just left.

14 Q. So when you got close, did -- did Johnny González hit
15 him?

16 A. Again?

17 Q. Yes.

18 A. No, he stopped. After the third punch he stopped.

19 Q. Okay. So once he tackled him and the officer went
20 back --

21 A. Yeah, 'cause see, when he hit his head, he was still
22 moving, 'cause I saw him when he put his hand up when Johnny like
23 hitting him three times in the face. And that's when I just saw
24 him that his hands went down and -- and -- and then he just did
25 like to the side.

1 Q. Okay. Where was Antonio?

2 A. He was in the back. He was like -- he was -- he was
3 like not in back where I was. He was like a little bit more
4 closer to like Johnny.

5 Q. Did Antonio hit the officer at any time?

6 A. No, sir.

7 Q. Did you hit the officer at any time?

8 A. No.

9 Q. No?

10 A. (Shaking head.)

11 Q. Did anybody hit him with their feet?

12 A. No, sir.

13 Q. Did Johnny González hit him with the feet?

14 A. No.

15 Q. How about Antonio?

16 A. No.

17 Q. No? So you're saying the only one that hit him was --

18 A. Johnny.

19 Q. -- Johnny.

20 A. Uh-huh.

21 Q. Okay. What was Johnny wearing?

22 A. He was wearing that -- I think it was like a sweater,
23 but it was with stripes, like gray.

24 Q. What color? Gray and --

25 A. Gray and black. Or I think it was three colors, and

1 white.

2 Q. Gray, black --

3 A. -- and white.

4 Q. -- and white?

5 A. Sweater.

6 Q. Pants?

7 A. Black.

8 Q. Black slacks?

9 A. They were like -- they were skinny, but at the same
10 time they were kind of loose.

11 Q. Skinny jeans or slacks?

12 A. Skinny jeans.

13 Q. And the shoes?

14 A. Skating shoes.

15 Q. Huh?

16 A. Skating shoes.

17 Q. Skating?

18 A. Yes, sir.

19 Q. Color?

20 A. Blue. Like sky blue color.

21 Q. Does Johnny have any tattoos?

22 A. No.

23 Q. Any piercings?

24 A. No.

25 Q. Does he wear glasses?

1 A. No.

2 Q. Does he have facial hair?

3 A. Yeah, like right here, where it's like that little part

4 right here where it's a little bit.

5 Q. He has what, like a --

6 A. Como like a mustache from here. I think like most

7 everybody has it, like --

8 Q. You're -- you're -- you mean a beard or a mustache?

9 A. A beard. Sorry.

10 Q. A beard.

11 A. Yeah.

12 Q. Okay.

13 A. Like goes like that.

14 Q. Okay. Is it -- is it very dark or light?

15 A. No. It's very, very light.

16 Q. Very light.

17 A. But you can tell that he has some beard.

18 Q. Does he have any piercings in his ears?

19 A. No.

20 Q. No. And you said he has long hair?

21 A. Yes, sir.

22 Q. What color?

23 A. I think it's brown.

24 Q. Brown hair?

25 A. Brown, natural.

1 Q. Eyes? His eyes? Color of eyes?

2 A. I think they're brown, too. They're the same.

3 Q. Okay. How much does he weigh, more or less?

4 A. More or less, I think like 200.

5 Q. 200. Is he fat?

6 A. No, he's skinny. He's -- well, he's in the middle.

7 He's not fat nor skinny, but he's -- good muscle. Like he looks
8 like he has muscle.

9 Q. Okay. Now, let's go to Antonio. Describe him for me,
10 please. How old is he?

11 A. He's 18.

12 Q. 18.

13 A. Short.

14 Q. How -- how short?

15 A. Like about 5' 4", 5' 5".

16 Q. 5' 4". Okay. Weight?

17 A. 130. Around there.

18 Q. Color of hair and eyes?

19 A. Well, black, both.

20 Q. Black, black?

21 A. Yes, sir.

22 Q. What was he wearing?

23 A. A gray Hollister shirt and some black skinny jeans that
24 were ripped.

25 Q. You said black?

1 A. Skinny jeans, but they're like the torn ones.

2 Q. From where are there -- are they torn?

3 A. From the front side of his pants almost like all the
4 way down. They're like little tears [sic].

5 Q. Shoes?

6 A. Converse, black.

7 Q. Does he have any tattoos or piercings?

8 A. Piercings, yeah.

9 Q. Where?

10 A. He has the -- the one in his lip.

11 Q. What is it, like a --

12 A. Like a spider bite. Like -- no. Yeah, a spider bite,
13 but it's just one of them right here.

14 Q. A what?

15 A. A spider bite. That's what they're called.

16 Q. Spider bite?

17 A. Yes, sir. Just one on his right side.

18 Q. Okay. Let me ask you. You got close to them. And you
19 see the officer is knocked out cold like --

20 A. Yes, sir.

21 Q. -- the -- the way you described him. And this is after
22 Johnny hits him, punches him three times. Can you describe the
23 punches to me? Were -- were they like really hard, or --

24 A. (Unintelligible.)

25 Q. -- did he punch him with his knuckles or with --

1 A. With his fists.

2 Q. -- or with this?

3 A. No, with his fists.

4 Q. Can you -- can you show me how?

5 A. Like going like that. He only hit him three times
6 really quick.

7 Q. Was he straddled or was he standing up when he was
8 punching him?

9 A. He was on top of him.

10 Q. What do you mean, "on top of him"?

11 A. Like he was -- like the guy was on the floor and --
12 'cause since -- since he tackled him and they both fell, and
13 he -- and Johnny fell on top of him.

14 Q. Can you show me?

15 A. Like Johnny was like this.

16 Q. Where's the officer?

17 A. Like right here.

18 Q. Where is his body? Between his legs?

19 A. Between his body. Like his body is right here and then
20 his head is right here, and Johnny just -- (indicating) -- three
21 times.

22 Q. Three times?

23 A. Uh-huh.

24 Q. And can you describe the punches? Were they, I mean,
25 like full force?

1 A. No, they weren't like full. They were just like three
2 normal punches, like -- (indicating) -- but they were fast. They
3 were fast punches, just three of them, and that's when he got up
4 and I think he noticed that the officer was unconscious or
5 knocked out.

6 Q. Okay.

7 A. And that's when he left. Well, that's when we all
8 left.

9 Q. Where did you guys go?

10 A. We were walking to Johnny's house on the way back.

11 Q. Did you make it to the house?

12 A. No. Halfways. We were almost there, then that's when
13 that police officer got there.

14 Q. An officer was there. Did you see any people around?

15 A. No.

16 Q. Neighbors?

17 A. Uh-uh.

18 Q. Anybody?

19 A. There was only a few people working at the -- going to
20 that little -- there's a -- 'cause by Trowbridge there's a little
21 drive-thru store and there was quite a few cars there.

22 Q. Okay.

23 A. And when we got there, we were walking in, but like as
24 we opened the gate, that's when the police officer pulled in and
25 that's when . . .

1 Q. Let me ask you. Were you running away from there or
2 were you walking?

3 A. No, I -- I was running. I'm not gonna lie. I was
4 running.

5 Q. From --

6 A. -- the police officer.

7 Q. From the officer.

8 A. Yes, sir.

9 Q. Were the other two running?

10 A. Yes, but after we got to the alley in the back of the
11 apartments, everybody went their own way, so I can't really say
12 which way they all went.

13 Q. Where did you go?

14 A. I went through the back like if I was going to my
15 aunt's house. Like I went -- I passed Trowbridge, went through
16 the drive-thru, and just kept on walking down Chadbourne Street.

17 Q. Uh-huh.

18 A. And I got caught at Chadbourne Street.

19 Q. Okay. Were you wearing this?

20 A. Yes, sir.

21 Q. Okay. You weren't wearing something else?

22 A. No.

23 Q. Okay. So when you were in the alley, what happened?
24 Some officers -- well, what happened with the officers, if you
25 can explain to me, the ones that stopped you. Were they -- they

1 chased you. What happened?

2 A. During the alley? They chased -- well, after like --
3 it's 'cause like I turned like that and everybody -- I don't know
4 where -- I think he went going that way. Johnny went that way
5 and Tony, I don't really know where he went 'cause I lost -- and
6 the officer was chasing me, but after I crossed the street
7 towards like going down to Chadbourne Street, there was a lot of
8 police officers passing. And the first two didn't -- I don't
9 think they didn't recognize me until the third one. The third
10 one stopped in front of my aunt's house.

11 Q. Were you running -- why were you running from the
12 officers? Did you -- like you're saying, you didn't really do
13 anything.

14 A. I mean, no, like it's just something that I have, man.
15 I don't know.

16 Q. What do you mean?

17 A. It's -- I don't know. Like it's hard to explain. Like
18 I thought -- I don't know. Like I know either way if I was gonna
19 get caught and they -- and I was there at the -- at the crime
20 scene, I was still gonna get in trouble. But now that I ran
21 away, I know that I'm gonna get into more trouble than I am right
22 now.

23 Q. Right. When you were -- I mean, you guys were running
24 away from the officer that was knocked out. Did -- did anybody
25 say anything?

1 A. No. Some lady was -- well, the guy told the lady to
2 call the police on Johnny 'cause -- well, Johnny -- well, both of
3 them, they were talking too much, they were yelling at each
4 other, and he got -- I -- I -- I think he got like, that's it,
5 you know. And she told the -- the lady that was -- when all this
6 thing happened was in her house, like in her front yard, and I
7 don't know. Like -- like the lady just told them to stop, to
8 stop fighting, 'cause either way Johnny told him that he was a
9 minor, he was 17, and Johnny was like, "I don't want to have any
10 problems, you know, but you need to like chill out," you know.

11 Q. Who was telling this to who?

12 A. To the police officer.

13 Q. To the police officer?

14 A. Yes.

15 Q. Before -- before --

16 A. Before anything happened, before he hit him or anything
17 like that. 'Cause first he came in yelling at Tony, and he was
18 telling him that, "You -- you scratched my car," and all this
19 thing, and they were arguing.

20 And Tony was like, "I didn't scratch your car."
21 And they were yelling at each other until the guy started cussing
22 at him.

23 They started cussing at each other and that's when
24 Johnny got in the way and just told him, "Yo, chill out. You
25 know, we don't want to have any problems, you know. I don't want

1 to start anything with you, you know, 'cause -- no, we don't want
2 to have anything. We just want to go home."

3 And the guy's, well, like, "Nah, nah. You guys
4 scratched my car." And he started yelling at them again. Like
5 they started yelling and they started cussing at each other. And
6 I just heard the -- the lady, the one who was standing like
7 inside of her house to not fight, and that's when the police
8 officer pushed him with his shoulder, and that's when Johnny hit
9 him.

10 Q. How long did that happen?

11 A. It was quick.

12 Q. Like?

13 A. Like the fight?

14 Q. (Nodding.)

15 A. Like less than two minutes probably.

16 Q. Okay.

17 A. 'Cause I don't -- like I know that the lady that
18 was outside, I think she ran inside after -- when Johnny took him
19 down.

20 Q. Okay. Now, what I asked you, as you guys are running
21 away from -- from the area --

22 A. Yes, sir.

23 Q. -- did you, Johnny, or -- or Tony, Antonio, say
24 anything --

25 A. No, we just --

1 Q. -- to one another?

2 A. No, we just left.

3 Q. You just left?

4 A. Yeah.

5 Q. You just ran?

6 A. No. Well, we walked. We were walking down. Like
7 instead of going straight, we went through Montana.

8 Q. But you're saying you ran from there.

9 A. From there?

10 Q. When the officer is knocked out cold, you're saying
11 that --

12 A. Oh, yeah.

13 Q. You said, "To be honest with you" --

14 A. Yeah, we -- we -- we ran -- we ran all the way to
15 Montana Street, and from there we just walked.

16 Q. So you ran on Trowbridge --

17 A. Going like that.

18 Q. -- and then where do you turn?

19 A. Montana Street, we took a left.

20 Q. Did you make it all the way to the --

21 A. Montana.

22 Q. -- to the freeway?

23 A. Yeah, we made it all the way --

24 Q. To the Gateway?

25 A. Yeah. But like instead of crossing it, we took a turn

1 like to the right.

2 Q. So you ran along the Gateway?

3 A. Yes, until we hit Montana Street, then we took a left,
4 and we just went through the alleys.

5 Q. Through the alleys on Montana?

6 A. Yes, sir.

7 Q. Okay. And that's where you were. You guys split up
8 and that's where the officers --

9 A. No. No. Later on -- we kept on going.

10 Q. Okay.

11 A. We -- we got to the apartments. That's when the police
12 officer saw us.

13 Q. Okay. Roger that. Okay. Again, when you guys are
14 going through the alleys or whatever, did anybody say anything?

15 A. No, we were just --

16 Q. Did anybody say, this is the plan, this is what we're
17 gonna say?

18 A. No.

19 Q. You guys didn't talk about --

20 A. Well --

21 Q. -- if the cops follow us, this is what we're gonna --

22 A. No, we weren't really talking about that.

23 Q. What were you guys talking about?

24 A. About my birthday, 'cause my birthday is coming up.

25 Q. What else?

1 A. That's it. 'Cause everybody was planning on making me
2 like a little birthday party.

3 Q. Okay.

4 A. And that's it. And then -- then they were just talking
5 about that. Like after that happened, we didn't talk about it,
6 you know.

7 Q. Did Johnny say anything about --

8 A. No, he was --

9 Q. -- hitting the officer?

10 A. Yeah, he was -- he just got mad. He's all, "If he was
11 a cop, why is he cussing at me?"

12 Q. That's what you told him?

13 A. Yeah. He's like, "Why is he cussing at me? I mean, I
14 didn't do anything for him to be coming up to me like that and
15 start yelling at me and cussing at me. He's not my dad. He's
16 not nobody to be yelling at me like that."

17 And I was like, "I understand, I mean, but at the
18 same time you shouldn't have resolved into hitting him."

19 Q. Right.

20 A. And so then he's all like, "I know, but, you know, I'm
21 not gonna let somebody get into my face like that, start yelling
22 at me, calling me a little kid and stuff like that."

23 Q. Right.

24 A. And, yeah, that's all we talked about. Like after that
25 we changed subjects and we started talking about my birthday.

1 Q. Okay. Did Antonio say anything?

2 A. No, Antonio wasn't saying nothing. He was surprised
3 what had happened.

4 Q. What did you tell Johnny?

5 A. What he did?

6 Q. (Nodding.)

7 A. Like I just told him. 'Cause -- 'cause -- 'cause he --
8 'cause like we walked away. While we were running and we stopped
9 at like going through the alleys on Montana, he was all like,
10 "I'm mad."

11 And I'm all like, "Why?"

12 He's all like, "Because, I mean, I had to do
13 something that I don't really like doing because this guy just
14 ran up, he comes up to us and starts cussing at us and yelling at
15 us." And he's all, "And I didn't really want to do anything like
16 that, but I'm not gonna let him pick on someone that's like a
17 little more -- a little more shorter than he is."

18 Q. Right. Right. Okay. Okay. So you're saying that
19 Johnny González -- is that his real name, Johnny?

20 A. Johnny. Well, his real name is Juan. Juan. But
21 everybody that knows him calls him Johnny.

22 Q. Okay. And Tony, that's not his real name?

23 A. No, it's Antonio.

24 Q. Antonio.

25 A. But --

1 Q. Do you know his last name?

2 A. No, I -- I really don't know his last name 'cause we --
3 'cause ever since I met him it was just -- I called him Tony.

4 Q. Okay. What grade does Johnny go to, or Juan?

5 A. What grade is he in?

6 Q. Grade.

7 A. He's a sophomore.

8 Q. Sophomore. And Antonio?

9 A. A junior.

10 Q. Junior. Okay. Do you know who their teachers are?

11 A. No, because we all have different schedules.

12 Q. Different schedules?

13 A. Yes, sir.

14 Q. All right. Do you have anything else to -- to add that
15 you would like to state? Do you have any questions?

16 A. No, not really.

17 Q. No questions?

18 A. No, sir.

19 Q. Okay. We are gonna take your clothes, okay?

20 A. Okay.

21 Q. As part of the case.

22 A. Okay.

23 Q. Okay. And also, all I'm gonna do is I'm gonna need
24 some DNA sample and I need your cooperation. And what I'm gonna
25 do is I'm gonna show you a form -- it's a consent form -- and

1 we're gonna go over it and all it says that if you do want to
2 give me consent to get -- you don't have to, okay?

3 A. Okay.

4 Q. But I would like to have your DNA for the case, okay,
5 as just part of -- of -- of what we're doing here.

6 A. Yes, sir.

7 Q. Okay?

8 A. Uh-huh.

9 Q. Do you agree to give me a -- a sample?

10 A. Yes.

11 Q. Do you consent? Do you know what consent means?

12 A. No.

13 Q. That you're giving me permission. I'm asking you for
14 permission to get your saliva sample.

15 A. Oh, okay.

16 Q. Okay?

17 A. Yes. Yes, sir.

18 Q. And I'll -- and I'll read a document for you.

19 A. Okay.

20 Q. Okay? Well, I'm gonna step out.

21 A. Uh-huh.

22 Q. The time right now is 8:57 --

23 A. Okay.

24 Q. -- p.m., okay? I'll be right back.

25 A. Okay.

1 (Detective Lozano exits room and then returns.)

2 DETECTIVE LOZANO: Okay. I don't have any more
3 questions. Do you?

4 THE WITNESS: Uh-uh.

5 DETECTIVE LOZANO: Okay?

6 THE WITNESS: Uh-huh.

7 DETECTIVE LOZANO: I'm gonna end this interview.
8 You don't have any more questions?

9 THE WITNESS: No, sir.

10 DETECTIVE LOZANO: And the time right now is 9:01
11 p.m.

12 THE WITNESS: Okay.

13 DETECTIVE LOZANO: 9:01 p.m., okay? I'm gonna
14 stop the recording and I'll be right back so I can review that
15 paper with you.

16 THE WITNESS: Okay.

17 DETECTIVE LOZANO: The Consent to Search Person.

18 THE WITNESS: Uh-huh.

19 (Detective Lozano exits room.)

20 (End of video.)

21

22

23

24

25

CERTIFICATE

THE STATE OF TEXAS)

COUNTY OF EL PASO)

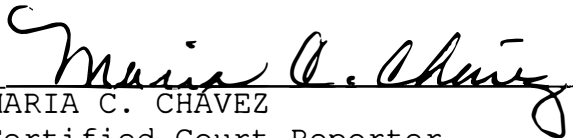
I, MARIA C. CHÁVEZ, Certified Court Reporter in
and for the State of Texas, certify that the foregoing is a
correct transcription, to the best of my ability, from the video
recording of the proceedings in the above-entitled matter.

I further certify that I am neither counsel for,
related to, nor employed by any of the parties to the action in
which this interview was taken, and further, that I am not
financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of
\$ 4305⁰⁰ will be paid in full by the County of El Paso, Texas.

WITNESS MY HAND this, the 22nd day of

October, 2012.


MARIA C. CHÁVEZ
Certified Court Reporter
Certificate No. 2090
Date of Expiration: 12/31/2012
5668 Burning Tree
El Paso, Texas 79912
(915) 203-1246
E-mail: chavezmc@sbcglobal.net

TRANSCRIPT OF VIDEO INTERVIEW OF

ALAN ARMANDO MEDRANO OLIVAREZ

WEDNESDAY, OCTOBER 3, 2012

10:48 A.M.

Case No. 12-269198

Detective Lozano, ID No. 1389

Detective Mike Aman

Location: El Paso Police Department Headquarters
911 N. Raynor
El Paso, Texas 79903



ORIGINAL

INTERVIEW OF ALAN ARMANDO MEDRANO OLIVAREZ

BY DETECTIVE LOZANO:

Q. This is what we're gonna do. We're gonna sit over here. I'm gonna sit right here, okay? I'm Detective Lozano with the police department. My ID number is 1389.

A. Uh-huh.

Q. And today is October 3rd, 2012, and the time right now is 10:48 a.m. All right?

A. (Nodding.)

Q. And we are in the police headquarters building located at 911 North Raynor.

A. Uh-huh.

Q. And this is the Crimes Against Persons' office. All right. What I'm gonna do is -- is we're gonna talk about this case, then. I interviewed you on -- on -- on September 25th, okay?

A. Uh-huh.

Q. I interviewed you at 8:21 p.m. on this case and on case number 12-269218. And I think on the -- on the last case, the last interview, I gave you case number 12-269195. The correct case number for the aggravated assault on a public servant is 12-269198.

A. Uh-huh.

Q. Okay? This is on -- on the officer that was assaulted at the 4100 block of Trowbridge.

1 A. Yes, sir.

2 Q. All right?

3 A. Uh-huh.

4 Q. And I went to your school today, Sunset High School,
5 and I had asked you that I wanted to ask you some questions. And
6 you're -- you're here voluntarily, is that correct?

7 A. Yes, sir.

8 Q. Yes. I'm not forcing you to be here?

9 A. No, sir.

10 Q. Is that correct? Then you do want to talk to me
11 about -- about some questions that I'm gonna -- that I'm gonna
12 ask you about this case?

13 A. Yes, sir.

14 Q. In particular, case number 12-269198. I'm not gonna go
15 over the other one at all.

16 A. Okay.

17 Q. Okay, the one on evading arrest. Okay. Can you tell
18 me your -- your complete name, please?

19 A. My name is Alan Armando Medrano Olivarez.

20 Q. I'm sorry?

21 A. Alan Armando Medrano Olivarez.

22 Q. Alan Armando Medrano --

23 A. Olivarez.

24 Q. -- Olivarez. What is your date of birth?

25 A. 10 -- It's 10, the 25, 1992.

1 Q. 1992?

2 A. (Nodding.)

3 Q. Where do you live?

4 A. I live on 511 Mission Road.

5 Q. What is your phone number?

6 A. It's 25 -- it's 915 -- *el mío o el de* -- **[mine or --]**

7 Q. Yours?

8 A. 247-1440.

9 Q. And what is your dad's?

10 A. It's 915-252-4599.

11 Q. 45?

12 A. 99.

13 Q. 99.

14 A. Yes, sir.

15 Q. That's your dad's?

16 A. Uh-huh.

17 Q. Okay. And -- okay. What I want to talk about is how
18 long have you known Juan González? And who is Juan González?

19 A. I know Juan González for around three or four years.
20 And, well, I kinda think of him like -- well, him that I know him
21 that long, I've never like seen him as like *una persona agresiva*
22 **[an aggressive person]**, like a person who's -- how do you say it
23 in English?

24 Q. Aggressive.

25 A. Yeah, aggressive person. He seemed like a calm person.

1 Like, yeah, sometimes he gets mad, but like he never -- I've
2 never seen him like to a point where he explodes like that. It's
3 probably the first time I've ever seen him that mad.

4 Q. You're talking about exploding on -- on --

5 A. Like anger.

6 Q. Anger?

7 A. Like mad.

8 Q. Okay.

9 A. I've never seen -- like he gets mad sometimes, but
10 usually he just plays around with us, you know, but I've never
11 seen him like mad, mad. Never.

12 Q. And you've known him, you said, for three or four
13 years?

14 A. Three or four years. Yes, sir.

15 Q. Where -- where did you guys meet?

16 A. Well, I met him at Burges.

17 Q. Burges High School?

18 A. Yeah, I met him from a friend.

19 Q. Okay. So you guys usually hang out, or -- once in a
20 while?

21 A. Well, it's 'cause -- well, at first we didn't hang
22 around a lot, but then like half of like the next year, he moved
23 to -- to the west side with his grandparents, so I only saw him
24 like once or twice a week.

25 Q. Okay.

1 A. But now since he came back, 'cause he's going to
2 Sunset, that's when we started hanging around again more.

3 Q. So would you guys share life stories? I mean, would
4 you tell him personal things about what's going on with your
5 family or girlfriend or your mom, your dad?

6 A. Well, yeah, 'cause -- well, he used to --

7 Q. Would he also tell you --

8 A. Well, yeah, 'cause --

9 Q. -- things?

10 A. Well, he used to live with us, too. He used to live in
11 my house before.

12 Q. Okay.

13 A. For a while. Yeah, he kind of became part of my
14 family.

15 Q. How long did he live with you?

16 A. Not that long. For like a month or two.

17 Q. Why?

18 A. I don't know. He just -- I think he had problems with
19 his dad. I don't know. I don't know. Like he just -- one day
20 he came into my house and he came in like shorts and I'm like,
21 "What's up?"

22 And he's all like, "No, dude, I think -- like I
23 ran away."

24 I'm like, "Why?"

25 He's all, "Nah, it's 'cause of my dad." Like

1 that's what he told me, but he didn't want to like explain what
2 actually happened. He just like, "Nah, I just had problems with
3 my dad." And he asked me, "Can I stay here?"

4 And I'm like, "Yeah, you can stay here." And then
5 I just told my parents and they're okay with it and like, yeah.

6 Q. Okay. So your parents were cool with that?

7 A. Yeah.

8 Q. All right. On Juan González, you told me on your first
9 statement that Juan González participated or -- or was learning
10 judo?

11 A. Yeah.

12 Q. What -- what -- you said seven years back. Now, that
13 would put him around 10 years old.

14 A. Uh-huh.

15 Q. Talk to me about that.

16 A. Well, it's 'cause like when I met him, well, I seen --
17 the first time I saw him wrestle was kind of like the first day
18 that I met him 'cause he wrestled one of my friend and my friend
19 was big, too. But in -- like the first time I met him, he
20 didn't -- he wasn't scrawny, you know. He was kind of skinny,
21 but when I saw him wrestle, I was like, "You know how to
22 wrestle." I was like, "You know how to do all of that."

23 He's like, "I was in judo before." And I was
24 like, oh. But like I remember he told me, "No, I used to be in
25 judo when I was 10 or 11."

1 Q. Okay.

2 A. But I don't know when he stopped 'cause he never told
3 me.

4 Q. So you don't know how long --

5 A. No, I don't.

6 Q. -- he was learning judo?

7 A. Uh-uh.

8 Q. Okay. And you're saying you saw him --

9 A. -- wrestle before.

10 Q. -- wrestle?

11 A. Uh-huh.

12 Q. Did you wrestle with him?

13 A. Yeah.

14 Q. When? How many times?

15 A. I wrestled him like four times.

16 Q. Okay. Where at?

17 A. Once -- I think it was twice. Once it was at his
18 house, second at -- second at my friend's house, and then the
19 last two times were at my house.

20 Q. When was this?

21 A. Probably like a year ago, a year or two ago.

22 Q. A year or two ago?

23 A. Yeah.

24 Q. And have you wrestled recently?

25 A. No. With him, no.

1 Q. No?

2 A. But I've seen him wrestle recently, too.

3 Q. With who, then?

4 A. With one of my dad's friends.

5 Q. Okay. And how was he?

6 A. Well, he lost, but he -- he gave in a good fight with
7 my dad's friend.

8 Q. How old is your dad's friend?

9 A. Like 35.

10 Q. 35?

11 A. Yeah.

12 Q. Can you describe your dad's friend? Is he --

13 A. *Moreno* **[dark-skinned]**.

14 Q. Like how big?

15 A. Like kinda like my height.

16 Q. You're -- how tall are you?

17 A. Like I'm 5' 11". He's like six feet, I think. Six
18 feet.

19 Q. Was he fat?

20 A. No. Skinny, too.

21 Q. Skinny?

22 A. Uh-huh.

23 Q. I'm talking about the other guy.

24 A. Yeah, my dad's friend. Yeah. He's skinny, too.

25 Q. Okay. Did you and -- and Juan González ever do any

1 training, mixed martial arts, MMA-style of training?

2 A. Well, yeah. Well, it's --

3 Q. Or any other type?

4 A. Yeah. Well, you can't really call it training, but I
5 actually taught him a few things in boxing, and he taught me a
6 few things in judo.

7 Q. Okay. Like what? Can you tell me?

8 A. Like the punches for the boxing, I taught him how to
9 punch kinda -- 'cause Johnny, when he -- well, before, when I --
10 when I first taught him all this, he didn't punch. He punched
11 crazy when he swings. And I told him, "No, don't do that. You
12 know, if you're gonna punch, punch straight in the face. Try
13 punching someone where you can hit them. Don't swing, 'cause if
14 you swing and if they miss you, they're gonna hit you back."

15 Q. Right. That's true.

16 A. And that's what I keep on telling him. And well, I
17 taught him and he -- he kinda understood it. And that's when he
18 started teaching me, you know, like if I want to take someone
19 down faster, just grab them by the legs, pick them up, use -- use
20 their own force against them. Don't ever like try to push them
21 open, nothing. Don't try to pick them up. Just wait. Like if
22 they're running at you, try to move to the side and just grab
23 them by the legs and they'll fall. And once they fall, you can
24 have them on the ground.

25 Q. He would tell you?

1 A. Uh-huh.

2 Q. What else did he teach you?

3 A. Usually, that's it. Just how to take down people.

4 That's it.

5 Q. And --

6 A. He never --

7 Q. -- that is one of the moves that he would teach you?

8 A. (Nodding.)

9 Q. Was there any other moves that he -- he would --

10 A. Just that, yeah, too, when they were -- if it's someone
11 about like around your height, and kinda like say you're skinny,
12 too, he'd tell me like if they were to punch you, just grab their
13 hand, stick out your -- like your body back, and then just try
14 and flip them over -- flip them over to the ground.

15 Q. And he would illustrate with you? He would use you?

16 A. No, with one of my other friends.

17 Q. With one of your other friends.

18 A. Uh-huh.

19 Q. How many times did you guys practice all this stuff?

20 A. Well, this lasted for like two months.

21 Q. Two months?

22 A. Just --

23 Q. How often?

24 A. Like twice a week.

25 Q. Twice a week?

1 A. Uh-huh.

2 Q. For about two months?

3 A. Uh-huh.

4 Q. When did this happen? A year ago, a couple of months
5 ago?

6 A. . Like, well, that was like a year -- like a few months
7 ago, like -- like, I think --

8 Q. We're in October.

9 A. It was during the summer.

10 Q. During the summer?

11 A. Uh-huh.

12 Q. What months?

13 A. Like the beginning of the summer. In July, I think.
14 June, July.

15 Q. June, July?

16 A. June, July.

17 Q. And that's when you would practice --

18 A. Uh-huh.

19 Q. -- two times a week on take-downs and punching and all
20 that?

21 A. (Nodding.)

22 Q. Where would you practice again, or train?

23 A. Usually it was my house.

24 Q. Your house?

25 A. Yeah, 'cause we have this little room in my house *que*

1 *pos ahorita es un dining room, pero antes no era nada. Y como*
2 *tenía carpet, allí mismos nos tirábamos y todo. [that, well,*
3 **right now it's a dining room, but before it wasn't anything. And**
4 **since it had carpet, we would throw ourselves down right there**
5 **and everything.]** We didn't have to worry about it.

6 Q. Let me ask you. How would you consider Juan González
7 as far as take-downs?

8 A. Pretty good.

9 Q. Pretty good?

10 A. Uh-huh. I know he could take someone down bigger than
11 him. I know he can.

12 Q. Okay. Now, the move that -- that Juan González put on
13 the officer there on Trowbridge --

14 A. Uh-huh.

15 Q. -- was that one of the moves that he knows how to do?

16 A. Well, that's -- actually, that's the first time I've
17 ever seen him do that. I've never -- like it's kind of like --
18 *como es la primera vez que yo lo e visto que se pelée. [-- it's*
19 **like the first time that I've ever seen him fight.]** So that was
20 the first time I've ever seen him use a move like that. 'Cause
21 usually he just messes around, you know. He -- he flips us over
22 and tries to choke us and stuff like that. But this is the first
23 time I've ever seen him try to pick someone up -- try to, but
24 couldn't -- but just be able to take them down like that.

25 Q. And on this one, Juan González was able or he managed

1 to --

2 A. -- to take down the police officer.

3 Q. -- to take him down. Can -- can -- and I know you
4 already described that for me.

5 A. Uh-huh.

6 Q. Can you tell me how he did it again, the take-down?

7 A. Like, he -- 'cause like he -- except to him grabbing
8 him from the waist, he grabbed him from here. And the police
9 officer, I think he reacted, *y se bajó así* **[and he got down like**
10 **that]**, like trying to grab him like that. Johnny was able to
11 pick him up from here *poquito* **[a little bit]** to the part where he
12 tilted, and he pushed him down, his body.

13 Q. And the officer never -- what did the officer do,
14 or . . .

15 A. It's 'cause the officer was grabbing him like that.

16 Q. From?

17 A. From his waist here. 'Cause he was like -- Johnny
18 *estaba agachado* **[was bent over]** from his knees like that, and the
19 police officer *se puso duro* **[stiffened up]**, and he grabbed him
20 like that from the waist, but Johnny was able to -- to -- *en el*
21 *punto donde el cop, si lo soltó, donde no lo pudo agarrar, lo*
22 *soltó* **[at the point where the cop let go where he couldn't get**
23 **him, he let go]**, and Johnny just -- just pushed him like *poquito,*
24 *no mas* **[a little bit only]**.

25 Q. Pushed him forward?

1 A. Like a little tilt. Yeah.

2 Q. And then the officer went back?

3 A. Went back.

4 Q. And that's when --

5 A. -- he hit his head.

6 Q. Hit his head. Okay. Now -- okay. So you know, the
7 bottom line that they found that -- you're not surprised
8 that Juan -- are you surprised that Juan González was able to
9 take him down --

10 A. Yeah, like, it's 'cause like --

11 Q. -- like that?

12 A. -- usually like when we would wrestle, it was people
13 like not big, you know, not big people; usually like people
14 like -- like me, or probably a little bit chunky, I mean. I've
15 never seen Johnny take down someone that big.

16 Q. How big was the officer?

17 A. Well, 'cause like for -- with us three, he was pretty
18 big for us three. He was kind of chubby.

19 Q. Like how big? Can you describe him? Height? Weight?

20 A. Height, I -- he was Johnny's height. Exactly Johnny's
21 height, 'cause what I remember is that --

22 Q. Which is what?

23 A. Six-something.

24 Q. Six --

25 A. Like 6' 2".

1 Q. 6' 2"?

2 A. The same height as Johnny, but he was bigger than
3 Johnny, like -- (indicating).

4 Q. Like how much weight with the officer?

5 A. I don't -- I can't really tell, like . . .

6 Q. No?

7 A. Well, mostly -- the most, I think, is 200.

8 Q. 200.

9 A. That's the most, I think. It might have been less.

10 Q. Okay. All right. Now, let me ask you. Anything else
11 on Juan González that you think would be important as far as
12 his -- his knowing martial arts or judo, boxing?

13 A. Well, yeah. Yeah, there's one thing. Johnny would
14 always tell me that -- well, you know how I told you that -- you
15 know how I told you that that was the first time I seen Johnny
16 fight?

17 Q. Uh-huh.

18 A. 'Cause like -- and he used to tell me, too, 'cause he
19 knows that I know how to fight. But he'd tell me -- *y me dice*
20 *porqué no -- porqué no mas te peleas con la gente que te cai mal*
21 **[and he told me, why don't you just fight with the people that**
22 **you don't like]**? And I'm like, no, 'cause I -- like I understand
23 *que si no mas me peleo porque si, me meto en problemas*, you know
24 **[that if I get into fights for no reason, then I'll just get into**
25 **problems]**.

1 Like I don't look for fights, you know, and that's
2 what I taught him. I'm all, don't be looking for fights, dude.
3 I'm all, *si alguien te la hace de emoción* [**if someone wants to**
4 **start something**], just ignore them, you know, walk away. If they
5 push you or something, and if they push you to a point where, you
6 know what, I can't do anything about it, then, yeah, I mean,
7 yeah, go. Go for it. But just remember that you're -- that
8 you're only doing that 'cause you're -- 'cause you're defending
9 yourself 'cause you know something that you could hurt --

10 Q. Right.

11 A. -- someone really bad. I mean, so do I. I mean,
12 that's why I barely don't like getting into fights, 'cause I know
13 I could hurt someone, or they could hurt me. And that's why
14 like, *es como le he dicho a todos* [**it's like I've told**
15 **everybody**], I mean, he probably did, like from what I think --
16 (unintelligible) -- it was just self-defense.

17 Q. Now, let me ask you. That take-down that he took on
18 the officer, do you think that's -- that could have caused
19 serious damage or serious injury?

20 A. Yeah. I honestly think yeah, 'cause the hard -- the --
21 the fall was pretty hard and, I mean, and the cop wasn't like
22 holding his head, you know, to the point where he hits the head,
23 *y le pega a la mano* [**and he hits the hand**], but no, he hit
24 headfirst on the concrete.

25 Q. Okay. So you're saying that you told Juan González not

1 to pick a fight?

2 A. Not to pick a fight, *no mas porque si* [**just because**].

3 Q. Just to use it as self-defense?

4 A. Yeah.

5 Q. Because?

6 A. He could get into more problems. He could probably
7 hurt someone to the point where he might even kill them.

8 Q. You can hurt somebody to the point that you can kill
9 him.

10 A. Uh-huh.

11 Q. Using -- using --

12 A. The judo.

13 Q. Judo.

14 A. Or, like his -- from the hits that I tell him, I'm
15 like, if you're gonna hit someone, try to hit them here, you
16 know. That's what I tell him. Or try to hit them in the body
17 most of the times, you know. Don't --

18 Q. Uh-huh.

19 A. Yeah. Like I just tell him things *que* [**that**] like, you
20 know.

21 Q. What -- what would -- would Juan González tell you when
22 you told him to be careful not to be using his --

23 A. Yeah. No, I mean, he told me, "Yeah, I know." He told
24 me, "Yeah, I know." That's why like Johnny's never been in a
25 fight. I mean, from what I've known him, he only told me he'd

1 only been in one fight his whole life, like *cuando iba a*
2 *Coronado. No mas se había peleado una vez y pasó también lo*
3 *mismo. Pero like the guy, no se pego nada. [. . . when he was*
4 **going to Coronado. He had only gotten in a fight one time and**
5 **the same thing happened. But like the guy, he didn't hit**
6 **anything.]** You know, like he didn't have anything.

7 Q. Right. But would you say that Juan González was
8 prepared?

9 A. For the fight?

10 Q. For a fight?

11 A. No. No. 'Cause he had his backpack. He had
12 everything. Like he wasn't -- he didn't took off his backpack,
13 you know. He wasn't gonna --

14 Q. No. No. I'm not saying that day. I'm saying because
15 of all the training that he's been doing, the practices and the
16 take-downs and all down -- all that --

17 A. Do you think --

18 Q. -- do you think Juan González would be ready to fight
19 and not lose?

20 A. No. No.

21 Q. No?

22 A. I could really -- I could pretty assure if the cop
23 was -- *si le pegaba pa' tras, sí le ganaría a Johnny fácil* **[if he**
24 **hit him back, he would beat Johnny easily.]**

25 Q. Okay. Because why?

1 A. 'Cause Johnny no -- it's 'cause like from -- Johnny is
2 the kind of guy that likes to get hit a lot, you know.

3 Q. Uh-huh.

4 A. And I always tell him, don't do it. I mean, that's the
5 point. I mean, if you're gonna fight, the thing you have to do
6 is *que no te peguen* [**that they not hit you**].

7 Q. Right.

8 A. I mean, *que no te peguen* [**that they not hit you**]. I
9 mean, that's the thing. *No no mas que te esten pegue, pegue, y*
10 *pegue, pos no* [**It's not that they just keep hitting you, hitting**
11 **you, and hitting you. Well, no.**] And I tell him, no, I mean,
12 that's how you're not a good fighter. I mean, yeah, you probably
13 know how to do some things, you know how to take down people and
14 submit them. Yeah, you know how to do that. I mean, yeah,
15 you're perfectly good at that.

16 *Pero si te andas peleando con alguien que sabe mas*
17 *o menos lo -- lo que -- lo que esta haciendo, te va a ganar. Te*
18 *va a poner una -- una golpiza.* [**But if you're fighting with**
19 **someone who knows more or less what they're doing, he's going to**
20 **win. He's going to give you a beating.**]

21 Q. Right.

22 A. Yeah. So I don't really think Johnny's like, *pos* -- I
23 mean, yeah, he did judo, but like from what I've heard, he only
24 did it 'cause -- for like self-defense and stuff like that. Like
25 if he had to, not hit somebody, if he didn't want to hit

1 somebody, he could just submit them to the point where he could
2 just be like stop, you know.

3 Q. Right.

4 A. *Pero* **[but]** like that. I don't know, like he -- I
5 like -- I was like -- I would have preferred him if I would have
6 seen this happen, I would have wanted him to like submit the
7 police officer, you know, like don't hit him, just be like, stop,
8 you know.

9 Q. Right.

10 A. But . . .

11 Q. Okay. All right. Now, let me ask you. Juan González
12 went there to the school with you, to Sunset Heights, right?

13 A. Yes, sir.

14 Q. Okay. What about Juan Antonio Gómez? Okay.

15 A. How long do I know him?

16 Q. How long have you known him?

17 A. Well, I've known him since he was in middle school from
18 his older brother. Like six years, six, seven years, I know him.

19 Q. Okay.

20 A. *Porque es* -- *pero* **[because he is -- but]** like I know
21 him from his brother, that's why. 'Cause me and his brother, we
22 went to elementary, middle school, and high school together.

23 Q. Okay.

24 A. So like I met his brother 'cause of him. Like during
25 school, when he was in middle school.

1 Q. Okay.

2 A. 'Cause he's one of my other brother's friends, too, y
3 *también iba a la casa* **[and he also went to the house.]**

4 Q. Okay. And you told me that he has a Facebook account?

5 A. Yes, sir.

6 Q. What is his Facebook account name?

7 A. F-n Bootz.

8 Q. F-m?

9 A. F-n Bootz.

10 Q. Okay. And how long have you known that he's got this
11 account? Was it F-k-n Bootz?

12 A. F-k-n.

13 Q. F-k-n Bootz?

14 A. (Nodding.) Well, when he -- he barely added me like
15 last semester from school, during school.

16 Q. Okay.

17 A. 'Cause -- 'cause last semester is when me and him
18 started hanging around a lot. 'Cause he -- well, he went to my
19 school, and you know, stuff like that, so he started hanging
20 around a lot with me.

21 Q. Uh-huh. Okay. And did Johnny -- did Gómez, was he
22 part of your little wrestling crew with you?

23 A. No. No.

24 Q. Was he learning how to -- to wrestle, fight, and all
25 that?

1 A. No. His brother is the one who taught him. His
2 brother -- his brother was in MMA.

3 Q. Okay.

4 A. Well, his brother has been in a lot of things, so he
5 kind of knows how to fight, too.

6 Q. Fight, too. Okay. But you told me did -- did Gómez
7 hit or kick the officer?

8 A. No, sir.

9 Q. No? Did you hit --

10 A. No, sir.

11 Q. -- punch or kick the officer?

12 A. Uh-uh.

13 Q. No? It was only who?

14 A. Uh-huh.

15 Q. It was only who?

16 A. Johnny.

17 Q. Johnny. Johnny. Okay. Let's go over your -- your
18 statement. And I'm gonna tell you why I want to ask you some
19 questions on -- on -- on that. We already spoke to Gómez and we
20 spoke to some witnesses.

21 A. Uh-huh.

22 Q. Okay? And the first interview that you gave me is not
23 consistent to the statements we obtained from --

24 A. The witnesses.

25 Q. -- several people, okay?

1 A. Uh-huh.

2 Q. And I want you to be honest with me. I want you to be
3 one hundred percent honest, okay, because you already gave me a
4 statement.

5 A. Yes, sir.

6 Q. And I just want to verify what you told me. And if
7 there's any changes, I want you to tell me.

8 A. Okay.

9 Q. Okay?

10 A. Yes, sir.

11 Q. And you -- you told me in one of the statements, and
12 one that doesn't really -- does not --

13 A. -- fit the story.

14 Q. -- fit the story is when you were walking on
15 Trowbridge. And I'm gonna tell you, you passed where the officer
16 went by.

17 A. Yes, sir.

18 Q. And then you said that you were walking, and then a car
19 went by, but you were walking in front listening to some --

20 A. To my music.

21 Q. -- music, and your two friends were behind you, in
22 particular, Juan González.

23 A. Uh-huh.

24 Q. And Juan Antonio Gómez.

25 A. Yes, sir.

1 Q. Now, before we go over that --

2 A. Uh-huh.

3 Q. -- what is the name of the shop that you guys went to
4 on Pershing? Do you remember it?

5 A. It's in -- es un **[it's a]** -- what's it called? *Es un*
6 *mecánico* **[it's a mechanic]**. But it's 'cause I don't know the
7 name of it.

8 Q. Do you know what area on Pershing?

9 A. Yeah. It's -- it's close to Pershing and Trowbridge.
10 It's like -- you know how there's that gasoline station right
11 there? It's the next building next to it.

12 Q. Next to it?

13 A. Yeah. There's --

14 Q. What kind of car do you have there?

15 A. It's -- I think it's a 2001 Nissan Frontier, a blue
16 one. It's -- it's been parked outside for a while.

17 Q. Okay. What color?

18 A. It's blue, sir.

19 Q. Do you know the plate number?

20 A. No.

21 Q. Okay. Now, you said you went there to check. It was
22 all three of you?

23 A. Yes, sir.

24 Q. And then from there, from -- you went after school to
25 the shop?

1 A. Uh-huh.

2 Q. And then from there you started walking on Trowbridge?

3 A. Yes, sir.

4 Q. Now, let me ask you. Tell me, were you walking in
5 front of them at that time when you started walking on
6 Trowbridge?

7 A. Well, at the begin- -- *al principio, sí* **[at the**
8 **beginning, yes]**. I started walking *un poco -- no tanto así que*
9 **[a little -- not so much that]** like, oh, my God, no. I was like
10 just like a few -- like a few steps ahead of them. That's it.

11 Q. Okay.

12 A. But I was listening to my music, but then that's when
13 el Tony and him started talking. And I just took off my
14 headphone 'cause I thought they were talking to me. But they
15 were talking about -- I don't know. They were talking about the
16 little things that -- that -- that they were planning on doing.
17 No, like I just put my music on, but I just lowered it to the
18 point where I could hear if they were calling me or something
19 like that.

20 Q. Okay. Do you remember going by a house in -- if -- if
21 you guys are -- are pretty much --

22 A. -- close to each other.

23 Q. -- close, 'cause you're not separated.

24 A. No.

25 Q. Separated. Do you remember, 'cause I asked you if you

1 saw or if you heard anybody scratching a vehicle. And I want you
2 to be honest with me.

3 A. Yeah. Well, now, yeah, I saw. I saw him when Tony did
4 it. Yeah.

5 Q. Tony did it?

6 A. Tony scratched the car.

7 Q. Tony did what?

8 A. Scratched the police car.

9 Q. A police car?

10 A. No. Well, the officer's car.

11 Q. Okay. And we're talking about the -- a house. Do you
12 remember the numbers?

13 A. No.

14 Q. The numbers of the street?

15 A. No, like, it's like -- it's like -- (unintelligible).

16 Q. Can you describe the house to me?

17 A. I don't remember the house *tampoco* **[either]**.

18 Q. Can you describe the car to me?

19 A. It was a gray car. I think it was a Grand Am.

20 Q. A Grand Am?

21 A. A gray Grand Am.

22 Q. Okay. So you guys are walking. Can you tell me how
23 you -- how you were positioned? Where were you?

24 A. From -- I think it was Tony, me, and then Johnny.
25 Johnny was on the rear side like close to the -- to the houses.

1 Q. See, if this is the sidewalk here --
2 A. Uh-huh.
3 Q. -- where were you at? And there's three people.
4 A. Yeah. Johnny right here.
5 Q. Okay.
6 A. Me, and then Tony.
7 Q. You?
8 A. And then Tony.
9 Q. And then Tony.
10 A. Yeah.
11 Q. Where is the car at?
12 A. (Indicating.)
13 Q. Okay. The house is over here, right?
14 A. Yeah.
15 Q. Okay. The car is parked right here?
16 A. Yes, sir.
17 Q. This is who?
18 A. Tony.
19 Q. Tony. This is?
20 A. Me.
21 Q. You, Alan. And this is?
22 A. And that's Johnny.
23 Q. González. Okay. So Tony, what -- what does he use to
24 scratch the car?
25 A. I think it was *un fierro* [**a metal object**]. I don't

1 know. 'Cause he had a *fierro* [**a metal object**] on his hand.

2 Q. Can you describe that?

3 A. Like it was just like a little piece of metal.

4 Q. A piece of metal?

5 A. Yeah.

6 Q. Where did he get that piece of metal from?

7 A. From the park, from Memorial.

8 Q. He had just found it?

9 A. Yeah.

10 Q. Or did he have it with him?

11 A. No. No. *Es que veníamos allí* [**it's that we were going**
12 **along there**]. When we got out of school, *nos metimos por el*
13 *parque* [**we went through the park**].

14 Q. Okay.

15 A. *Por* [**through**] Memorial, and he found just like a little
16 piece of metal, and he just took it with him.

17 Q. Was anybody -- anybody in the house?

18 A. No.

19 Q. No?

20 A. From what I was able to turn around *así, no se veía*
21 *nadie* [**like this, you couldn't see anybody**], like . . .

22 Q. Why did he scratch it?

23 A. I don't know. He was -- I don't know. Like I can't
24 really tell him. I think he's dumb, or something like that. I
25 don't know.

1 Q. Okay.

2 A. *Creo que no mas se le pegó la gana* [**I guess he just**
3 **felt like it**]. I don't know.

4 Q. Did he go around the car or he -- (unintelligible).

5 A. No. He just walked by and just scratched like that.

6 Q. Scratched it. And you did see him?

7 A. Yeah.

8 Q. What hand did he use to scratch it?

9 A. His left.

10 Q. His left hand. Okay. What did you guys tell him? Did
11 you tell him anything?

12 A. No, *no mas* [**I only**] -- I -- I just went like, *este buey*
13 [**this dumbass**]. And that's it, you know, and just walked like
14 whatever.

15 Q. Okay. When that happened, did somebody come -- come
16 out of the house saying something?

17 A. Yeah. Like after we walked, after we finished the
18 block, some guy came out and he's all -- like -- and he started
19 talking and he started yelling to Tony.

20 Q. Who is this guy?

21 A. Well, I think it was the police officer.

22 Q. It's the same guy that later confronted you?

23 A. Yeah.

24 Q. Okay. So he came out of this house directly in front
25 of the car?

1 A. Yeah, he looked at his car and he turned around and he
2 yelled at Tony.

3 Q. What did he tell him?

4 A. "Hey, bro," you know, like, "Hey, bro." And Tony just
5 ignored him and he started walking. And *pues*, I mean, we
6 all just -- just started walking.

7 Q. Did you stop?

8 A. I just stopped to -- to turn around, *aver quien era* [**to**
9 **see who it was**], you know, and then like he -- he was talk- -- he
10 was -- I think he was pointing to Tony, you know, and then Tony
11 just ignored him and I was like, okay, so I just started walking.

12 Q. With? With?

13 A. With them.

14 Q. So all three of you. Did González stop to talk to the
15 officer?

16 A. No, until -- until later on. Until they confronted
17 each other.

18 Q. Okay. So you guys, all three of you ignored --

19 A. Uh-huh.

20 Q. -- the person calling?

21 A. (Nodding.)

22 Q. Which later you -- you identify as the same person that
23 confronted you later?

24 A. Yeah.

25 Q. Which is the officer?

1 A. Uh-huh.

2 Q. Okay. So you ignored him. You keep walking towards?

3 A. Where the -- where we barely like crossed, like the --
4 we were like on the next block. *Estabamos como* like -- *está la*
5 *block, y luego* **[We were like -- the block is there, and then]**,
6 like we crossed the block again *y allí está el* **[and right there**
7 **is the]** bridge to cross the freeway.

8 Q. Okay.

9 A. It was on that block.

10 Q. U.S. 54?

11 A. Yeah.

12 Q. Okay. So you keep walking?

13 A. Uh-huh.

14 Q. Did you have your earphones on?

15 A. I had them --

16 Q. Or did you take --

17 A. I still have -- well, *me quité uno* **[I took one off]**. I
18 still had one on, *pero estaba bajito* **[but it was on low]**, 'cause
19 I got -- *yo ya sentía que* **[I had a feeling]** -- I was like,
20 something bad is gonna happen. Like I had that feeling. I was
21 like, oh, my God. And like I felt like he was gonna follow us or
22 something. Like I *tenía ese -- ese* **[had that -- that]** -- like
23 feeling on me, but I was like, man, like I just need to calm
24 down. *Y sí, ya cuando -- ya cuando vi que el carro -- un carro*
25 *se parqueo así* **[And yes, when I saw -- when I saw the car -- a**

1 **car park like this]**. And we just started walking. We -- we --
2 we just ignored the car.

3 Q. Uh-huh.

4 A. *Y luego ya cuando el oficial fue* **[and that's when the**
5 **officer went]** and he started confronting Tony first.

6 Q. And what did he tell Tony?

7 A. When he got off the car, he yelled. And he was like,
8 "What's up now, bitch." *Le dijo a Tony.* **[He told Tony.]**

9 And Tony was like, "Well, what's up?"

10 *Y se empezaron a agarrar y la persona le dijo* **[And**
11 **they started going at it and the person told him]**, "Why did you
12 scratch my fucking car?"

13 *Y Tony -- (unintelligible) --* "Nah, I didn't
14 scratch your car."

15 *Le dijo* **[He told him]**, "Yeah, you did, bitch. I
16 fucking saw you from the fucking window."

17 *Y empezaron a decir un chorro de grocerías* **[And**
18 **they started saying a lot of obscenities]**, and that's when Johnny
19 got in. Johnny was like, "Chill the fuck out," you know.

20 Q. Well, can you tell me exactly what kind of bad words
21 were they saying to each other?

22 A. Well, I just remember that 'cause like I can
23 remember -- I still remember that, where the officer was like,
24 "Why the fuck did you scratch my car?"

25 Q. What did Gómez tell him?

1 A. Gómez was like, "I didn't fucking scratch your car."

2 And he's like, "Yeah, you did. I saw you, bitch."

3 *Pero porque [but because]* -- supposedly he was standing in the
4 window when that happened for -- to him, but like when I looked
5 at the house, I didn't see no one, *pero [but]* . . .

6 Q. What was the officer wearing?

7 A. A gray shirt, and I think they were black pants.

8 Q. Okay.

9 A. Like loose pants.

10 Q. Okay. All right. So they're arguing and then --

11 A. Johnny gets in. González gets in and he's all like,
12 "Chill the fuck out."

13 Then they start arguing and then like, I don't
14 know what happens, and then like all of a sudden, he's all like,
15 "I'm a cop, you know. You can't do anything to me. I'm a cop."

16 And Johnny was like, "Show me your badge."

17 And the officer didn't -- *no sacó badge [he didn't*
18 **take out a badge]**, so she -- *estaba la witness, una lady que*
19 *estaba allá afuera [the witness was there, a lady that was there*
20 **outside]**. He just turns around and is all, "Call the cops. Call
21 the police."

22 Q. Who did he tell, "Call the police"?

23 A. To the lady, to the witness, the lady who was --

24 Q. Where was the lady at?

25 A. She was sitting in her front porch. Like --

1 (unintelligible) -- her house, *tenía unas sillas allí* [**she had**
2 **some chairs there**]. And she was sitting there.

3 Q. What did the -- the lady look like?

4 A. Old. She was really old.

5 Q. Can you describe her to me?

6 A. I think she was -- she was Mexican and she was wearing
7 a dress, like a little red dress, I think.

8 Q. Okay.

9 A. With flowers on it.

10 Q. And she was by herself?

11 A. Yeah, she was by herself. And like the lady didn't do
12 anything 'cause she -- she was just standing there. And then
13 they started arguing again. And then that's when the lady
14 was like, "*No se peléen, no se peléen* [**don't fight, don't**
15 **fight**]."

16 Q. Who said that?

17 A. The lady.

18 Q. The same lady the officer told --

19 A. Told her to call the police.

20 Q. -- to call the police?

21 A. Yeah.

22 Q. And then what happened?

23 A. That's when the police officer -- *es que* [**it's that**
24 Johnny and the police officer *estaban así, cara a cara así* [**were**
25 **like this, face-to-face like this**]. And they were just talking

1 smack about each other.

2 Q. Was they yelling?

3 A. Yeah. They were yelling at each other and that's when
4 the police --

5 Q. Can you tell me what they were yelling at each other?
6 Tell me what the officer was telling Johnny.

7 A. To get the fuck out of here. That's what he was
8 telling him. "Get the fuck out of here. I don't want to see you
9 here."

10 And Johnny was like, "Why don't you get the fuck
11 out of here, too."

12 'Cause they were just yelling *cosas así* [**things**
13 **like that**], and then that's when the police officer got really
14 close to him and shoved Johnny with the shoulder, and Johnny went
15 back. *Y cuando la policía* [**and when the police**] like -- like the
16 cop just lost like all concentration on Johnny and was going
17 towards Tony now. Like he was gonna start talking to Tony.
18 That's when Johnny -- (indicating).

19 Q. Okay. Johnny punches him with an open hand?

20 A. No.

21 Q. Or a closed --

22 A. A fist.

23 Q. In the face?

24 A. (Nodding.)

25 Q. With -- with which hand?

1 A. His right hand.

2 Q. His right hand? His right -- his right hand.

3 A. But like *no le* **[he didn't]** -- yeah. But he doesn't hit
4 him like that. He hits him like -- (indicating).

5 Q. With this part right here?

6 A. Yeah. With this part right here, yeah.

7 Q. So he hits him --

8 A. He hits him like that.

9 Q. -- like that. And then what happens?

10 A. The police officer, like he goes back. Like he didn't
11 expect Johnny hitting him, you know, and that's when Johnny *de*
12 *volada fue* **[quickly went]** and he grabbed him from the legs.

13 Q. Was that right away or . . .

14 A. Right away.

15 Q. Right away.

16 A. And then Johnny just him took to the floor and hit him
17 like -- I think it was three times, but this time *sí le pegó con*
18 *el puño* **[he did hit him with the fist]**.

19 Q. Did he hit him with --

20 A. No. Nothing.

21 Q. -- with this part of --

22 A. The --

23 Q. -- the forearm?

24 A. No. Nothing. Just *puro* **[purely]** -- first it was this
25 part right here. That was the first hit. After Johnny took him

1 down, he punched him like three times.

2 Q. And he punches with this part?

3 A. Yeah.

4 Q. Does he punch with this part?

5 A. No, sir.

6 Q. No? Three times?

7 A. Three times. And that's when I told him, "Hey, ya
8 **[enough]**."

9 Q. You had told me that he straddled him, got on top of
10 him.

11 A. Yeah. That's when Johnny, like *cuando lo tumbó* **[when**
12 **he knocked him down]**, Johnny was on top of him already because
13 when he fell down, he fell down on top of him. That's when
14 Johnny was already on top of him already, like *como -- como cayó*
15 *así, pero cayó con --* **[like -- like he fell like this with]** --
16 (indicating)] -- like some like on top of his stomach.

17 Q. So his knees were on the ground, on the sides of the
18 officer's --

19 A. Yes, sir.

20 Q. -- ribs?

21 A. Uh-huh.

22 Q. Rib area. Okay. And you had told me that you were a
23 little -- a little far?

24 A. A little further.

25 Q. Are -- are you close now?

1 A. To them? Well, after that --

2 Q. When it happened, were you real close?

3 A. No.

4 Q. Okay. Because there's a witness that saw all -- all --
5 all four of you together.

6 A. Oh, yeah. At the point we were all together when --
7 when -- when -- when they were arguing we -- we were together,
8 but then like after, like they started arguing, like I just took
9 a few steps back.

10 Q. How many steps?

11 A. Not that much, like three or four, like I was -- *no*
12 *estaba tan retirado* [**I wasn't that far away**].

13 Q. Why did you -- why did you step back?

14 A. I don't know. Like, it's just like I felt something
15 bad was gonna happen, you know.

16 Q. What bad? Like how?

17 A. I was like either he's gonna hit Johnny, or Johnny's
18 gonna hit him. That's what I was thinking in my head all day.
19 Something is gonna go down right now. And I was like, and I
20 don't want to stay here. I was like -- like I was thinking, nah,
21 I'm just gonna walk away, you know. Like, I'm just gonna walk.
22 But then I just took a few steps back and that's when . . .

23 Q. That's when what?

24 A. The fight broke out.

25 Q. That's when Johnny hit --

1 A. -- the police officer.

2 Q. -- hit the police officer and takes him down?

3 A. (Nodding.)

4 Q. And you clearly saw the officer --

5 A. Yeah --

6 Q. -- trying to get --

7 A. Yeah, trying to hold Johnny like that.

8 Q. -- trying to hold Johnny like this?

9 A. (Nodding.)

10 Q. And then he --

11 A. (Unintelligible.) Yeah.

12 Q. -- he tilts back? Now, you said -- did you see the
13 lady leave to call the police, or did she grab a cell phone to
14 call the police?

15 A. No. She was just standing there but she was like --
16 like -- like in shock, you know, like this happened, 'cause she
17 was just like that. And then I just saw some other lady come
18 out, like get off a car and call the -- the police.

19 Q. So you saw another lady that was driving by or was
20 parked?

21 A. She -- she drove. Like she was driving by and she
22 parked really quick and then she was calling the cops or the
23 ambulance. I don't know what -- what she called first.

24 Q. Okay. Now, on your -- on your other statement you said
25 that when that happened and you saw Johnny straddle the officer

1 and punch him, you said you went over there --

2 A. Told him, yeah.

3 Q. -- and told him something. Is -- is that true?

4 A. Yeah. Like I told him, "Hey, ya, ya **[enough, enough]**.
5 Well, like I didn't get close to him, you know. I was kinda
6 like -- well, I was still in the -- (unintelligible) -- I was
7 like, "Johnny, ya, ya **[enough, enough]**."

8 Q. What did you tell him? Exactly what did you tell him?

9 A. I just told him, "Johnny, stop," you know. Ya.

10 Q. You told him to stop?

11 A. Yeah, I'm all like, "Ya, dude. Ya. You already beat
12 him up. Ya. Ya. Stop." 'Cause Johnny --

13 Q. Did he stop?

14 A. Yeah. He listened to me 'cause *ya le iba a pegar otra*
15 *vez* **[he was going to hit him again]**, and then I just told him,
16 "Hey, ya. Stop. Johnny, stop."

17 Q. So he was gonna hit him again?

18 A. Yeah.

19 Q. And you told him to stop and he stopped?

20 A. Yeah. He stopped and he just got up and he's all like,
21 "Oh, crap. We have to leave."

22 Q. Right. Did you hear Gómez tell Johnny something?

23 A. No, not at all. Johnny, Gómez, we all just started
24 walking like if nothing happened, you know. We just walked. Ya
25 *cuando volteamos* **[when we turned]** like that --

1 Q. Wait. Wait. You walked? On the last statement you
2 told me you ran away from there.

3 A. Well, yeah. That's fair enough. Yeah.

4 Q. So that's not --

5 A. No, that's not true. We walked like half the block,
6 then we turned to like -- like if we're going down by the
7 freeway, then from there, that's when we started running.

8 Q. Towards what street?

9 A. Montana.

10 Q. Towards Montana?

11 A. Then Montana we -- after we got on Montana, we crossed
12 the freeway. Where we were running, we -- we ran across the
13 freeway, then we started walking again.

14 Q. So you went -- you ran. Okay. From where the
15 officer's at, you start walking. Did anybody tell you to come
16 back or to stop or --

17 A. No. The lady -- the lady was just like, "Hey, hey,"
18 the lady who was calling the ambulance. I don't know if she was
19 calling the ambulance --

20 Q. Which lady, the old lady or the lady that just stopped
21 the car?

22 A. Yeah, the lady that came out of nowhere.

23 Q. What did she tell you?

24 A. She was like, "Hey, hey," and like -- then something I
25 haven't heard, like that she was going, "Hey, hey." And then I

1 think she said, "Hey, guys, come back, come back," but then we
2 just ignored her and we started walking.

3 Q. So you walked. Did you walk fast or normal walk?

4 A. Normal walk. On the -- just the half of the block that
5 was left we just walked it, then we just turned around and we
6 just ran.

7 Q. So you ran. On the Gateway South you ran towards
8 Montana?

9 A. Towards Montana.

10 Q. And then on Montana you made a left.

11 A. Left.

12 Q. And then you ran east?

13 A. No. Well, like, we just ran that's -- *no mas para*
14 *cruzar el* **[just to cross the]** freeway. We just ran that, then
15 after that we -- we -- we -- we -- *nos fuimos por los alleys*
16 *caminando no mas* **[we just went walking through the alleys].**

17 Q. Which alleys?

18 A. The one like right behind of the Montana. Like you
19 know where Montana, and you turn right there, there's some little
20 alleys going through right there? Like kind of where by Hillside
21 is at? You know how there's an alley right there?

22 Q. Uh-huh.

23 A. We were just walking through that.

24 Q. And you were going towards where?

25 A. González house.

1 Q. To Johnny González?

2 A. Uh-huh.

3 Q. Okay. And I had asked you, did anybody say anything to
4 you when you guys were walking?

5 A. No. No.

6 Q. And you told me that González told you something, said
7 something. Do you remember what he said?

8 A. No. He was just saying, "Man, that -- that pissed me
9 off." He was like, "I'm just pissed off," you know. 'Cause he's
10 all like, "I don't understand." He's like, "I'm pissed off. I
11 don't know why this cop just starts yelling at me for no reason
12 and starts cussing at me, just pushing me out of nowhere, I
13 mean." But he was mad. He looked really, really mad.

14 Q. Okay.

15 A. 'Cause that's what he was just talking about the whole
16 way, and then after that I changed the conversation, you know.
17 I'm like, "Nah, nah. Just -- let's not talk about that." And
18 then I was like, "Hey, my birthday's coming up," and, then, oh,
19 yeah. I changed the conversation because I knew he was gonna be
20 like that. He was gonna start getting more and more mad, so I
21 just told him, "Nah, nah, let's just change the conversation."

22 Q. Let me ask you. How often do you guys, you, yourself,
23 or I don't know if González and Gómez go through that area --

24 A. No, we --

25 Q. -- of Trowbridge, where the officer confronted you

1 guys?

2 A. Never. I mean, this -- I mean, this is the first time
3 I walk through there in like -- since like last semester when I
4 would --

5 Q. What --

6 A. -- when I was walking. González -- well, Gómez used to
7 walk through there, too, but since like he used to go at a
8 different time than I did from school, so I never like -- we
9 never walked together. That was the first time all three of us
10 walked together.

11 Q. I'm talking about the 4100 block of Trowbridge.

12 A. Yes, sir.

13 Q. Where --

14 A. The officer.

15 Q. Where -- where the -- where the car was parked that
16 Gómez scratched and where the incident happened.

17 A. Yes, sir.

18 Q. That whole area is about the 4100 block.

19 A. Yeah.

20 Q. 4000 and 4100.

21 A. Yeah, in there.

22 Q. At the times that you would go by there, did you ever
23 see an officer walk out of the house where the car -- the gray
24 car was parked at?

25 A. No, sir.

1 Q. No. Did you know that an officer lived there?

2 A. No.

3 Q. Or at least that went there?

4 A. No, sir.

5 Q. How about did you know if Gómez or González --

6 A. Knew that there was a cop?

7 Q. -- knew that there was a cop that lived there?

8 A. I don't think so, 'cause if not they would have -- I
9 don't think Tony would have done that, but I don't know. Like, I
10 don't think they did 'cause we never passed through there. It's
11 rare when we would ever go through there. 'Cause usually, if we
12 were gonna go to -- like when we were walking, we would go
13 through Montana, or take -- you know how you cross all those
14 little streets? We'd just walk through there.

15 Q. All right. Now, let me ask you. And I think I
16 already -- we already covered it. Why did Gómez scratch the car?
17 Was it because he knew that it belonged to an officer?

18 A. No, like I really don't know why he did it. I just
19 think just because he just wanted to do it. I don't know.
20 Trying to act like he was -- I think he was trying to act like he
21 was like the biggest person like out of all three of us, you
22 know.

23 Q. Yeah.

24 A. Like he got more guts than us.

25 Q. Just to prove --

1 A. -- that he's not a wimp.

2 Q. Okay.

3 A. Kinda like that. Well, that's what I think.

4 Q. Right. When you was -- when you guys were walking away
5 from that car that was scratched, did Gómez say anything?

6 A. No. He just laughed and threw everything away.

7 Q. Where did he throw that, that metal?

8 A. I don't know. He just tossed it like that. He tossed
9 it up like that.

10 Q. Where?

11 A. Well, it was close to the -- I think *es una iglesia*
12 **[it's a church]**, the one right there. I think it's a church,
13 'cause it has a big -- big -- like it's a big *terreno* **[lot]** and
14 it's a big house, *y se parquea así en los lados* **[and there's**
15 **parking along the sides]**. I thought it was a church.

16 Q. Right.

17 A. And he -- and he just threw that. *Es un pedazo de*
18 *fierro chiquillo* **[it was a small piece of metal]**. It wasn't
19 like --

20 Q. What color was the metal?

21 A. Silver.

22 Q. Silver?

23 A. Uh-huh. But it was small. It wasn't like huge. It
24 was just a small piece of metal.

25 Q. Okay. What I want to do is you -- you -- when -- when

1 I was talking to you on September 25th, you were very cooperative
2 and you were helping us. And I had asked you if you could give
3 me consent to go into your Facebook account.

4 A. Yes, sir.

5 Q. Remember that?

6 A. Uh-huh.

7 Q. And you had signed the consent and you went into your
8 account and you helped me go through your account, because we
9 were looking for a picture of --

10 A. -- González.

11 Q. -- of Juan González.

12 A. Yes, sir.

13 Q. And when -- in -- when you were going through your web
14 page, you went into your mail and you saw and you identified
15 Johnieboii's account. Can you tell me what his account name is?

16 A. Johniiboii.

17 Q. Which is -- spell it for me.

18 A. J-o-h-n-i-i-b-o-i-i.

19 Q. Okay. And you clicked on --

20 A. -- a message.

21 Q. -- on the -- on the message, and then you scrolled all
22 the way down and then I saw an entry. What I want to do is I
23 made a printout of that. And I want to -- I'm gonna step out
24 right now and I'm gonna bring it back.

25 A. (Nodding.)

1 Q. And I want you to identify that form, and I'll explain
2 to you right now. Let me go get it and I'll be right back, okay?

3 A. Okay.

4 Q. And the time right now is about 10:28 -- 11:28. 11:28.
5 I'll be right back.

6 A. Okay. Can I go to the rest room real quick then?

7 DETECTIVE LOZANO: Yes, come on. Come on, then.

8 (Detective Lozano and the witness exit the room,
9 after which the witness returns.)

10 DETECTIVE LOZANO: Okay. Medrano is back. It's
11 11:30.

12 THE WITNESS: Okay.

13 DETECTIVE LOZANO: I'll be right back, okay?

14 THE WITNESS: Yeah.

15 DETECTIVE LOZANO: You -- you're good?

16 THE WITNESS: Yeah.

17 DETECTIVE LOZANO: Okay, I'll be right back. Give
18 me a second.

19 (Detective Lozano exits the room, and the
20 interview resumes as follows upon his return,
21 with Detective Aman joining him.)

22 Q. Okay. I am back. It's 11:32 a.m.

23 A. Uh-huh.

24 Q. Along with me is Detective Michael Aman. He's my
25 partner in this investigation.

1 A. Okay.

2 Q. Okay? And the reason he's here is he wants to ask you
3 some questions.

4 A. Okay.

5 Q. Okay? But before he asks you those questions, what I
6 want to do is I want to ask you first -- and I think I already
7 did. But I want to make sure.

8 A. Yes, sir.

9 Q. I asked you if your friend, Juan Antonio Gómez, has a
10 Facebook account, and is he friends with you?

11 A. Yes, sir.

12 Q. In Facebook?

13 A. Uh-huh.

14 Q. What is his Facebook account?

15 A. It's F-n Bootz.

16 Q. F?

17 A. F-k-n and Bootz.

18 Q. Spell Bootz for me.

19 A. B-o-o-t-z.

20 Q. T-z. Okay. All right. And I'm gonna show you the
21 printout that -- that you printed for me when -- when we were
22 looking -- going through your account on the 26th of September.
23 It's right here on the bottom.

24 A. Uh-huh.

25 Q. What I want to do is I want you to take a look at that

1 and tell me what that is.

2 A. The messages me and Johnny have been sending.

3 Q. From what date to what date?

4 A. August 9th till the 25th of -- this is September the
5 9th?

6 Q. September the 9th?

7 A. Yeah, the 25th of the 9th.

8 Q. The 20- -- yeah, 25th of September.

9 A. Yeah, that's it.

10 Q. And?

11 A. Well --

12 Q. It's the last one here. There's three messages, and
13 that was on September 9th -- I mean, September 25th.

14 A. (Unintelligible.)

15 Q. Yeah, 26th.

16 A. Uh-huh.

17 Q. Okay? Can -- can you read me the last four entries
18 that he sent you? Johniiboii.

19 A. Johniiboii. The last one he sent was, "Never mind,
20 then." Then -- then the 15 hours. That means 15 hours from when
21 this happened, he wrote, "I hope you didn't get caught. I killed
22 a guy. He went into a convulsion. And I" -- And he's like, "Ha,
23 ha. J/K, buey. I seen that shit on the news. Dude, turn on the
24 news, dude. There's all this crap going on."

25 Q. And who's sending you these messages?

1 A. Johnny.

2 Q. I'm sorry?

3 A. Juan González.

4 Q. Juan González?

5 A. Yeah.

6 Q. And you identify this as being --

7 A. Yeah.

8 Q. -- your account?

9 A. Yes, sir.

10 Q. What is your account?

11 A. Alan Medrano.

12 Q. Alan Medrano?

13 A. Yes, sir.

14 Q. Do you recognize this printout?

15 A. Uh-huh.

16 Q. Okay. What I want you to do is I want you to sign.

17 And can you tell me how many pages there are?

18 A. Thirteen.

19 Q. Thirteen pages. What I'm gonna do is I want you to go
20 ahead, if you will, please, sign your name right here.

21 A. Uh-huh.

22 Q. Sign and then you'll put the date. Today -- today's
23 date is 10/3/2012, and the time -- and I'll give you the time,
24 because I want you to do that for each page.

25 A. Okay.

1 Q. Okay? Here you go. And just do it right here on the
2 side.

3 A. Okay. (Witness complies.)

4 Q. 10/3/12, and the time right now is 11:36 a.m.

5 A. (Witness flips page and signs.)

6 Q. 11:36 a.m.

7 A. {Witness flips page and signs.)

8 Is it still 11:36?

9 Q. 11:36 a.m.

10 A. {Witness continues flipping and signing the pages until
11 he's finished.)

12 DETECTIVE LOZANO: Okay. Go ahead.

13 **QUESTIONING BY DETECTIVE AMAN:**

14 Q. Okay. Alan, my name is Detective Aman. I'm -- I'm
15 involved in the case -- investigation of the case.

16 A. Yes, sir.

17 Q. And specifically, I interviewed Tony Gómez, your friend
18 Tony.

19 A. Yes, sir.

20 Q. And so like Detective Lozano explained to you earlier,
21 we have to make sure that -- that all your statements are
22 consistent; that -- that -- that one person isn't saying
23 something and the other person contradicts that.

24 A. Yes, sir.

25 Q. Okay? So there's a couple of things that we need to

1 clarify that Gómez said and then that you said or there's some
2 other questions I have. The first thing I want to ask you is
3 this. Is this what González was wearing that day?

4 A. Yes, sir, that's it.

5 Q. It is?

6 A. Uh-huh.

7 Q. That is? Can you -- you're sure about that? It's kind
8 of unique. It's kind of -- (unintelligible) -- and it's kind of
9 unusual. If you could just go ahead and write a little thing
10 there to the effect that, "This is what -- what Juan González was
11 wearing on the day in question." And then just sign it, date it,
12 and then put the time down.

13 A. (Witness complies.)

14 DETECTIVE LOZANO: You know what? Because it's
15 kind of dark right here, can you write it right here where it's
16 lighter?

17 THE WITNESS: Yeah.

18 DETECTIVE LOZANO: Just write it right here where
19 it's lighter.

20 THE WITNESS: (Complies.)

21 DETECTIVE AMAN: All right. Now --

22 DETECTIVE LOZANO: Did you put the date and time
23 and all that?

24 THE WITNESS: Oh, no, I just wrote --

25 DETECTIVE AMAN: Just the date, right? You put

1 the date?

2 DETECTIVE LOZANO: Put the date.

3 THE WITNESS: Oh, I did. Yeah, the date's there.

4 DETECTIVE LOZANO: 10/3.

5 THE WITNESS: Yeah.

6 DETECTIVE LOZANO: Okay. If you want to put the
7 time, it's 11:40 a.m. 11:40 a.m.

8 THE WITNESS: (Complies.) There you go, sir.

9 DETECTIVE AMAN: Okay.

10 DETECTIVE LOZANO: Thank you.

11 Q. (BY DETECTIVE AMAN) I want to -- I want to go back to
12 the incident starting when -- when Gómez scratched the car.

13 A. Okay.

14 Q. Okay? Now, you said -- you described that and it's --
15 he used his left hand. You said you saw it?

16 A. Yes, sir.

17 Q. What about González? Did he see it?

18 A. I think he did. I'm not sure.

19 Q. You think he did?

20 A. Yeah, I think he did, too.

21 Q. All right. Okay. Now, you -- you and -- you described
22 that after that, you just kept walking, all three of you, and
23 then this person comes out of the house at the car?

24 A. Yes, sir.

25 Q. And -- and confronts verbally --

1 A. Tony.

2 Q. -- confronts Tony?

3 A. Yes, sir.

4 Q. So he apparently saw all that Tony did?

5 A. Uh-huh.

6 Q. Between the time he actually did the scratch and that
7 happened, did you all discuss what Gómez did?

8 A. (Shaking head.)

9 Q. Did you talk, "Hey, why did you do that?"

10 A. No, it's like I told the detective. Like I just looked
11 at him and I was like, "*Este, buey*, you know, what are you
12 doing," you know, like this isn't really . . .

13 Q. That's what you said?

14 A. Yeah. I was just like, fine, whatever.

15 Q. Okay.

16 A. But like I didn't say anything. I was just like . . .

17 Q. What about González? Did he say anything or did --
18 did -- you said you're not sure that he saw it, but you think he
19 did?

20 A. Nah. Like --

21 Q. Did he react in any way?

22 A. No. He was just thinking straight from what -- from
23 what I think.

24 Q. Uh-huh.

25 A. 'Cause I know he would have said something to him. If

1 he would have seen him, he would have been yelling at him or
2 something, or cussing at him. But he didn't say anything. He
3 just walked.

4 Q. Uh-huh.

5 DETECTIVE LOZANO: Why would González be yelling
6 at him for --

7 THE WITNESS: For doing something -- like I don't
8 know. 'Cause that's how he is. He's all like, "You're stupid.
9 Why are you -- why are you doing that," you know. Like that
10 kinda -- I mean, like that kinda yelling.

11 Q. (BY DETECTIVE AMAN) Had that happened before?

12 A. Has Tony ever done that before? If -- with us? No.

13 Q. No?

14 A. No.

15 Q. Okay. All right. Now -- now, the officer -- well, you
16 didn't know at the time. This person comes out, confronts --
17 confronts Tony. He told us he confronted. He said, yeah, that
18 this person came out. To the best of your recollection, what did
19 the officer, that person, tell Tony?

20 A. We walked like from the -- from where that happened we
21 walked -- like we were barely going to the next block.

22 Q. Uh-huh.

23 A. And we heard him say, "Hey, bro," to Tony. And Tony
24 just turned around. Well, we all turned around 'cause we were
25 like, "What." And then like we just ignored him. We just kept

1 on walking.

2 Q. What else did he say?

3 A. That's it. He just went like, "Hey, bro," and that's
4 it. And we just ignored him, kept walking.

5 Q. Okay. And that was -- that was at the next
6 intersection, right? Is that what you said?

7 A. On the next block. We were like walking to the next
8 block.

9 Q. Okay. All right. Then you said that at some point
10 Gómez threw that piece of metal away?

11 A. Yes, sir.

12 Q. Was that at that time or was it after the person had
13 already been beaten down?

14 A. No, that was like before he came to us. I think he was
15 barely getting to his car. He just grabbed -- it was like a
16 little piece of metal and he just threw it.

17 Q. Okay. So that was pretty much right after he scratched
18 the car with it?

19 A. Yes, sir.

20 Q. Do you think you could show us where that was?

21 A. The place where he threw it?

22 Q. Where he threw it.

23 A. I could tell you where more exactly where I think it's
24 at.

25 Q. Well, if we go out there could you show me?

1 A. Yeah, I could.

2 Q. We'll try that. If you're willing to do that?

3 A. Yeah.

4 Q. Yeah? What I want to do is I want to take you out
5 there, and -- and -- and to the best of your knowledge, just show
6 me and then we're just gonna look.

7 A. Okay.

8 Q. You think -- you think you can do that?

9 A. Yes, sir.

10 Q. All right. Now, you said, when the actual -- you
11 described the actual confrontation --

12 A. Yes, sir.

13 Q. -- between first Tony and this person, and then it kind
14 of shifted --

15 A. -- to Johnny and --

16 Q. -- to Johnny. Do you remember that -- do you remember
17 Gómez handing you his sweater?

18 A. No, he never handed me anything.

19 Q. He didn't?

20 A. I think the sweater, he handed it to Tony.

21 Q. He handed it to Tony?

22 A. That's what I remember.

23 Q. Okay. All right. Why did he do that? Did he say why
24 he --

25 A. No. 'Cause -- I don't know. Like before the argument

1 like started -- well, first it was Tony and the guy, but then I
2 think when Johnny got in, he's like, "Hold my sweater." 'Cause,
3 you know, like he didn't know if something was gonna happen, if
4 the cop was gonna hit him or something like that.

5 Q. Gómez gave his sweater --

6 A. No, no. Backwards. González gave that sweater to
7 Tony. He's all, "Hold it." He's all, "Hold my sweater."

8 Q. Oh, okay. But Tony did not give you --

9 A. No sweater.

10 Q. -- give you no sweater?

11 A. No.

12 Q. Okay. All right. Did -- when the officer, or the
13 person that said that he's a -- he's a police officer, did -- did
14 you ever hear the words in English or Spanish that he was gonna
15 arrest somebody?

16 A. No. The -- the only thing I remember is like, he's
17 like, "I'm police," and we all asked him, "Where's your badge?"
18 And except of him showing his badge, he turned around to the --
19 to the lady, the witness that saw everything, he just went and
20 said, "Call the cops. Well, call the police," and that's all he
21 said. He never said anything, "Oh, yeah, here's my badge," or,
22 "No, I don't have a badge."

23 Q. But did he say "arrest"?

24 A. No.

25 Q. That he was gonna arrest --

1 A. Oh.

2 Q. -- Gómez, most likely?

3 A. No. No. No. The only thing that I remember is that
4 he threatened -- like he just threatened him. He said something
5 to him, but I don't remember what it was.

6 DETECTIVE AMAN: Okay.

7 DETECTIVE LOZANO: Who threatened who?

8 THE WITNESS: The police to Tony. And that's all
9 I remember. But I still don't remember *que dijo, como* **[what he**
10 **said, like]**, like, "Oh, I'm gonna fuck you up," and all that.
11 Like I don't know.

12 DETECTIVE LOZANO: What do you mean, "threatened,"
13 like what?

14 THE WITNESS: *Como* -- like kind of like saying *que*
15 *te voy a golpear* **[that I'm going to beat you up]**, you know, I
16 could -- I-could-beat-you-up kind of thing, like that. 'Cause
17 that's all I remember 'cause he just turned around and said
18 something to him and he was going like that. I don't know if he
19 was threatening or he was -- *no mas estaba hablando con el* **[he**
20 **was only talking to him]**, you know. But either going like
21 that -- (unintelligible).

22 Q. (BY DETECTIVE AMAN) Okay. Now, when -- when -- when
23 Gómez threw that, threw that metal away, the way he describes it,
24 he says he was walking on the left close to the street. You were
25 walking in the middle, and then --

1 A. González was --

2 Q. -- González was closer to, you know, the front?

3 A. Yes, sir.

4 Q. When he threw that -- threw that metal, did González
5 see that?

6 A. I think he did. Yeah.

7 Q. Did --

8 A. Most likely, 'cause I saw him when he threw it, too,
9 but I didn't --

10 Q. Yeah.

11 A. But I wasn't looking where it landed.

12 Q. Did he throw it like on a roof, or just in the front
13 yard?

14 A. The front in the yard, just in front. He just threw it
15 like that.

16 Q. Okay.

17 A. But like I don't know if it's still there or not,
18 but I'll go.

19 Q. Well, we'll check it.

20 A. Yes, sir.

21 Q. We'll check it out. Well, did González ask him, "What
22 the hell was that? Why did you throw that?"

23 A. Yeah, he was like -- he just looked at him like, what
24 are you doing?

25 Q. Uh-huh.

1 A. Like that. He's all like -- (indicating). And
2 González didn't say anything. I mean, Tony didn't say anything.
3 He just started walking.

4 Q. Uh-huh.

5 A. And then Johnny looked at me. He's like, "What's going
6 on?"

7 And I was like, "I don't know."

8 Q. Did you tell him that he scratched the car?

9 A. No, like I didn't tell him anything. Well, I think he
10 knew. I think Johnny knew, 'cause I mean, yeah, if you've got a
11 piece of metal. I think he knew. 'Cause he just looked at me
12 like, what happened, you know. And I was like, I don't know.

13 Q. But you didn't tell him that Gómez --

14 A. No. That Gómez scratched his car, no.

15 Q. -- scratched the car?

16 A. No.

17 Q. Now, when -- when the confrontation now really happens,
18 and it shifts, it shifts to -- to Johnny, now, was that car
19 scratching mentioned again? In other words, did -- did -- did --

20 A. Did the officer? No.

21 Q. Right.

22 A. No. No, it started just worse. They were just arguing
23 with each other and stuff like that, 'cause Johnny got in because
24 he just told him, "Why don't you pick on someone your size,"
25 'cause the police officer was -- was bigger than Tony 'cause

1 Tony's short. And --

2 Q. Yeah.

3 A. -- Johnny's like, "Why don't you pick on someone your
4 own size." And that's when they started arguing and all this
5 stuff happened.

6 Q. But initially, the officer confronted Tony?

7 A. Tony. It was Tony first.

8 Q. Because of this?

9 A. Yes, sir.

10 Q. All right. Okay. That's -- that's all I had as far as
11 questions. And then once you're -- we're done here, we'll just
12 go out there and see if we can find that thing.

13 A. All right, sir.

14 DETECTIVE AMAN: Cool. Okay.

15 DETECTIVE LOZANO: You have anything else to add?

16 THE WITNESS: No, sir, that's all I have to say.

17 DETECTIVE LOZANO: I think we covered your -- your
18 statement and the points -- I think you clarified several points
19 that you had given me in your other statement.

20 THE WITNESS: Yes, sir.

21 DETECTIVE LOZANO: Right now I don't have any more
22 questions. But if we do, you know, I'm gonna call you back
23 and --

24 THE WITNESS: Yes, sir.

25 DETECTIVE LOZANO: Would you be willing to

1 cooperate with us?

2 THE WITNESS: Yes, sir.

3 DETECTIVE LOZANO: Because we might need to ask
4 you some more questions.

5 THE WITNESS: Uh-huh.

6 DETECTIVE LOZANO: Okay? As they come up.

7 THE WITNESS: Yes, sir.

8 DETECTIVE LOZANO: All right?

9 THE WITNESS: Uh-huh.

10 DETECTIVE LOZANO: Okay. I'm gonna end this
11 interview, okay?

12 (End of video.)
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8 **TRANSCRIPT OF VIDEO INTERVIEW OF**

9
10 **JUAN ANTONIO GÓMEZ**

11
12 **FRIDAY, SEPTEMBER 28, 2012**

13
14 **11:30 A.M.**

15
16
17
18 Case No. 12-269198

19 Detective Mike Aman

20 ID No. 1940

21 Location: (Not stated)

22
23
24
25 **ORIGINAL**

MARIA C. CHÁVEZ
CERTIFIED SHORTHAND REPORTER

Appendix E

INTERVIEW OF JUAN ANTONIO GÓMEZ

BY DETECTIVE AMAN:

Q. Okay. All right. I'm Detective Mike Aman. My ID number is 1940. I'm here to talk about an incident, an aggravated assault on a public servant, that occurred last Tuesday at about 5:00 p.m. It's investigated under case number 12-269198, and there's a related case number 12-269218, which is a case against you where you're a suspect in a -- in a evading arrest, running from a police officer.

Please state your -- your full name and your -- your date of birth.

A. Juan Antonio Gómez. My date of birth is 07/30/1994.

Q. Okay. All right. Today is the 28th of September and it's approximately 11:30 a.m., and we're gonna -- we're gonna discuss this incident. Before I do that, I'm gonna advise you of your rights.

"You have the right to remain silent and not make any statement at all. Any statement you make may be used against you at trial.

"Any statement you make may be used as evidence against you in court.

"You have the right to have a lawyer present to advise you prior to and during any questioning.

"If you are unable to employ a lawyer, you have the right to have a lawyer appointed to advise you prior to and

1 during any questions.

2 "You have the right to terminate the interview at
3 any time.

4 "If you're not a U.S. citizen, you have the right
5 to contact your consulate."

6 By talking to me you understand that -- that you
7 understand your rights and you hereby knowingly, intelligently,
8 and voluntarily waive these rights. In other words, you want to
9 discuss this incident with me, a police officer, okay?

10 A. (Nodding.)

11 Q. To confirm that, I'm gonna need -- I need your
12 signature right here on that card. Then put your initials next
13 to each one of these items.

14 A. (Witness complies.)

15 Q. Okay. All right. Now, let's go ahead and discuss this
16 incident. It specifically happened in the 4100 block of
17 Trowbridge where an off-duty police officer got knocked out and
18 severely injured. And -- and we understand you were there, so
19 describe how -- how this developed. How did you end up with who
20 in that -- in that location? Where were you coming from? Where
21 were you going to? Just tell me the details of what happened.

22 A. We were coming from our -- from our school, from Sunset
23 High School. And we were gonna go pick up Alan's truck.

24 Q. Who is "we"?

25 A. Johnny, Alan, and me.

1 Q. Okay.

2 A. And we were -- we were gonna pick up Alan's truck.

3 If it was -- at a shop, if it was ready. And when we -- when we
4 got there, it -- it wasn't ready. Like they told us it wasn't
5 ready, so we kept walking -- (unintelligible). But by that time
6 I found that, the wooden stick, and I had that -- the piece of
7 metal, scrap metal.

8 Q. Did you find them together?

9 A. Uh-huh.

10 Q. Where did you find them?

11 A. By -- by the Diamond Chevron [sic].

12 Q. Okay. Where were you going to now that the truck
13 wasn't ready?

14 A. We were going home.

15 Q. Home is where?

16 A. By my house.

17 Q. Okay.

18 A. I was going to my house, Johnny was going to his.

19 Q. Where do you live at?

20 A. By Trowbridge, 510 -- 5109, apartment 7.

21 Q. Okay.

22 A. That's where I was going.

23 Q. Okay.

24 A. And then we were -- we were there. I was bored and I
25 was playing with a wooden stick and I had the -- the scrap metal

1 in my other hand.

2 Q. What hand did you have the -- what -- which -- the
3 stick in which hand and the --

4 A. I had -- I had the -- the wooden stick on my right
5 handed.

6 Q. Okay.

7 A. And the scrap metal was on my left hand.

8 Q. Okay.

9 A. And we were walking. Alan and Johnny were talking.
10 And as we were passing, I scratched that -- the gray car.

11 Q. Okay. Hold on. You said you were walking. You
12 were -- all you -- you were walking side by side?

13 A. Uh-huh.

14 Q. And you were on the left?

15 A. I was on the left, like next to the cars. Alan was in
16 the middle, and Johnny was on the right side.

17 Q. Okay. You were walking on the sidewalk?

18 A. Uh-huh.

19 Q. And you were walking on Trowbridge?

20 A. Yeah.

21 Q. Towards the freeway?

22 A. Uh-huh.

23 Q. Okay.

24 A. And that's when I -- when I scratched, 'cause I don't
25 know. I've never done -- I had -- I had the feeling. I just did

1 it. And we were --

2 Q. Hold on. Describe the car.

3 A. Gray.

4 Q. Uh-huh.

5 A. It was -- all I know that it was gray.

6 Q. Was it a four-door or a two-door?

7 A. No. Four-door, I think, or two-door. I don't know.

8 I'm not sure.

9 Q. Where did you scratch it?

10 A. On the -- on the right, right door.

11 Q. Uh-huh.

12 A. And on the hood.

13 Q. Okay.

14 A. And we -- we kept walking after that. And that's

15 when -- when he came out.

16 Q. Who's "he"?

17 A. The cop.

18 Q. At that point did you know he was a cop?

19 A. No. No. Well, I don't know how to name him, what to

20 tell him, like people or person. He came out and --

21 Q. Out of where?

22 A. His house.

23 Q. How do you know it's his house?

24 A. 'Cause he came out of there.

25 Q. He came out of it?

1 A. Uh-huh.

2 Q. Okay.

3 A. And then that's when he screamed that, "Hey, hey, bro."

4 I'm like, "What?"

5 "Why are you scratching my car?"

6 That's when I had denied that I didn't -- that I
7 didn't scratch it to him. "I didn't scratch your car, bro."

8 He said, "Yeah, you did. Have -- have some
9 respect, bro." He was -- he was nice at first.

10 And then -- then I told them, "Let's keep
11 walking." That's when he got on his car and follow us.

12 Q. Okay. So you told Johnny and Alan just -- let's just
13 keep going?

14 A. Let's just keep going.

15 Q. Okay.

16 A. And that's when he got out in his car and follow us and
17 he stopped like in front of us.

18 Q. How far away from the house was that?

19 A. Like -- well, I'm not sure. Like four, five houses.

20 Q. Okay.

21 A. That -- that's when he pulled over and got off and
22 that's when he told me, "Have some fucking respect, fool. You
23 know -- you know you're scratching my car."

24 Q. Did he talk to you?

25 A. Yes.

1 Q. Because he saw you?

2 A. Yeah. He -- he was talking to me at first.

3 Q. Uh-huh.

4 A. But he was like talking shit and all that. That's when
5 I -- when I -- when I -- when I -- when I was talking to him like
6 that. I was talking to him like that.

7 Q. What do you mean by, "like that"?

8 A. Like he was telling me bad words and all that, that I
9 started talking to him like that.

10 Q. Okay.

11 A. And then I stop. I told -- I told Johnny and Alan,
12 "Let's go."

13 And then -- then he goes and he tells me, "Why --
14 why are you leaving? Have some fucking respect for my car."

15 And I tell him, "Look, bro, we don't have time for
16 this," like --

17 And he was telling me, too. "I don't have fucking
18 time to waste with you guys."

19 And I tell him, "Well, we're already leaving, but
20 you keep talking shit to us." And then I turned around and told
21 them again, "Let's go." I told Alan and Johnny, "Let's go."

22 And that's when he -- he screamed, "Fucking
23 faggots."

24 And Johnny got mad and he turned around and he
25 told him, "You need to calm down, bro."

1 That's when the cop was telling him, "You don't
2 tell me what to do, fool. And you're -- you're what? You're
3 a -- you're a high school kid? I don't give a fuck if you're
4 underage. I'll fuck you up."

5 And then Johnny told him, "Look, man, just calm
6 down. He didn't scratch your car."

7 And then he -- he -- he told him, "I'm a cop,
8 dude."

9 And then Johnny told him, "Show me a badge." He
10 didn't answer like -- for like three seconds.

11 Then -- then he told -- then he told Johnny,
12 "Look, you guys are just -- keep wasting my fucking time."

13 And Johnny told him, "Then just leave. Leave us
14 alone." That's when -- when I -- when I -- I got pumped. My
15 adrenaline, I got pumped.

16 And I told Alan, "Hold my sweater." And I was
17 getting close to the cop when the cop pushed Johnny.

18 Q. How did he push him? Where?

19 A. Like right here.

20 Q. With both hands?

21 A. No, one hand.

22 Q. One hand?

23 A. He pushed him, and that's when Johnny punched him in
24 the face, like he -- he defend himself.

25 Q. Did Johnny -- with one hand he punched him in the face?

1 A. One hand.

2 Q. Right or left hand?

3 A. Right-handed.

4 Q. Right-handed?

5 A. Uh-huh.

6 Q. Okay.

7 A. And when he punched him, Johnny tackled him on the
8 floor.

9 Q. At the same time or right after?

10 A. No, no. Right after he punched him, Johnny tackled him
11 and Johnny laid -- like he -- he laid on top of him --
12 (unintelligible.)

13 Q. Okay. Did -- did this guy fall on his back?

14 A. Uh-huh.

15 Q. Okay.

16 A. Johnny got on top of him and he punch him three times.
17 That's when I -- when I got close to Johnny and took him off.

18 Q. Okay. How -- how did he get over him?

19 A. Huh?

20 Q. How did he -- how did he get on top of -- of the person
21 that was on the ground? Kneeling, squatting, or standing?

22 A. Squatting.

23 Q. Squatting.

24 A. He was squatting.

25 Q. Okay.

1 A. He punched him three times in the face.

2 Q. Okay. With -- with what hand?

3 A. Right-handed.

4 Q. Okay.

5 A. And I grabbed Johnny and told him, "Let's go."

6 Q. You grabbed Johnny.

7 A. I grabbed him.

8 Q. Where did you grab him?

9 A. From right here.

10 Q. Okay.

11 A. So he couldn't punch any more. And I grabbed and told
12 him, "Let's go, dude." And -- and he did. That's when we took
13 off running.

14 Q. Where did you run?

15 A. To the other side of the freeway.

16 Q. Okay.

17 A. By the alleys.

18 Q. Okay.

19 A. And then -- then after that we were -- we were just
20 walking.

21 Q. All right. What do you -- where did you throw that --
22 you said you had a stick --

23 A. Yeah, I had.

24 Q. -- a piece -- a piece of scrap metal?

25 A. Uh-huh. I can't remember 'cause I was scared 'cause we

1 were running through the alleys and all that.

2 Q. So somewhere in the alleys?

3 A. Uh-huh. Probably.

4 Q. Okay. Now, you said this person told Johnny that he
5 was a cop?

6 A. Uh-huh.

7 Q. At that point, where were you standing?

8 A. Next -- next -- like five feet away.

9 Q. Five feet away?

10 A. Yeah, I was still there. Just listen to them.

11 Q. And then that's when you handed your sweater to Alan?

12 A. Uh-huh.

13 Q. All right.

14 A. That's when I told Alan, 'cause he was -- both of them
15 were getting mad, but -- but Johnny here had his temper. So
16 that's when I -- when I told Alan, "Hold my sweater," 'cause I
17 was getting close to the cop. And that's when he pushed Johnny.

18 Q. Okay.

19 A. And Johnny punched him in the face.

20 Q. Okay. Now, let's go back. When he said he was a cop,
21 did he show a badge, or did you see a gun?

22 A. No. No, he didn't show a badge and we didn't see a
23 gun.

24 Q. Did he show an ID, some kind of --

25 A. No, he didn't show ID.

1 Q. Something like -- something like -- something like
2 this?

3 A. No, sir.

4 Q. No? Okay.

5 A. He didn't show nothing.

6 Q. Okay. Did you -- did you know that this car belonged
7 to a police officer, or that the house where it was parked was
8 where the police -- the person that lived there was a police
9 officer?

10 A. No.

11 Q. At that time?

12 A. No.

13 Q. Did Johnny or Alan tell you --

14 A. No.

15 Q. -- "This is a police officer's car?"

16 A. No.

17 Q. "This is where he lives"?

18 A. (Shaking head.)

19 Q. Did Johnny tell you, "Scratch up that car" --

20 A. No. No one told me.

21 Q. -- "because it" -- No one told you?

22 A. No one told me.

23 Q. Okay. When -- when he said he's a police officer, did
24 you believe him?

25 A. No.

1 Q. When did you find out that he was, in fact, a police
2 officer?

3 A. After -- like after I got home. Like at 7:00, 8:00.
4 'Cause that's when my mom saw the news and saw Alan at -- at the
5 news, and she -- she -- she told me that that was my friend, that
6 what happened.

7 Q. Uh-huh.

8 A. So I told her and she told me that he -- that the
9 cop -- the guy that -- that Johnny beat up, it was a real cop.
10 And I told her that he had told us, but he didn't show a badge or
11 ID or something.

12 Q. Okay.

13 A. Nothing. That's why -- that's why we didn't believe
14 him.

15 Q. So when you found out, that was -- where does your mom
16 live? You live at --

17 A. She lives by the red buildings.

18 Q. Okay. So in the same apartment area?

19 A. Uh-huh.

20 Q. So you can walk there however?

21 A. Yeah.

22 Q. That's how you found out?

23 A. Uh-huh.

24 Q. Okay. Now, give me the full names of these two other
25 guys. You said Johnny and --

1 A. Alan Medrano.

2 Q. Uh-huh.

3 A. And Juan Antonio González.

4 Q. Okay. Where do they live?

5 A. Johnny -- Johnny lives by -- by around where I live,
6 but I don't know exactly.

7 Q. You don't know exactly?

8 A. No.

9 Q. The same complex?

10 A. Uh-huh.

11 Q. Okay.

12 A. But I don't know exactly. And Alan, I don't know where
13 he lives.

14 Q. Okay.

15 A. We just hang out in school.

16 Q. Okay. Now, let's describe, what was everybody wearing?
17 Let's start with -- let's start with you. What was you wearing
18 that day?

19 A. I was -- I had a blue sweater that I was carrying, I
20 had a gray -- gray Hollister shirt, I had black pants and black
21 Converse.

22 Q. Okay.

23 A. And a -- and a brown belt.

24 Q. Okay. And the Converse, are those that you gave me the
25 other day?

1 A. Uh-huh.

2 Q. And where is that other stuff?

3 A. (Unintelligible.)

4 Q. The other clothing?

5 A. It's in my -- I think they're dirty.

6 Q. Huh?

7 A. I think they're dirty.

8 Q. In the dirty laundry?

9 A. (Nodding.)

10 Q. At your apartment?

11 A. No.

12 Q. Where?

13 A. I think at my mom's.

14 Q. At your mom's apartment?

15 A. (Nodding.)

16 Q. Okay. Okay. Would it be okay for us to collect it as

17 evidence?

18 A. It's not gonna have anything. Yeah.

19 Q. Yeah?

20 A. You can have it.

21 Q. Well, if it doesn't have anything, good.

22 A. Well, yeah, 'cause I have --

23 Q. There's not gonna be any blood on it, though?

24 A. No. No. Nothing.

25 Q. Okay. But it would be okay with you -- with you if we

1 collected that?

2 A. Yeah.

3 Q. Okay.

4 A. But go to my apartment and check.

5 Q. Okay.

6 A. Just ask for a gray Hollister shirt, black -- black
7 pants with three buttons, and the black -- and the brown belt.

8 Q. Gray Hollister?

9 A. Uh-huh.

10 Q. It's what, a sweatshirt, or what is it?

11 A. T-shirt.

12 Q. T-shirt. Short sleeve?

13 A. It's a girl's shirt.

14 Q. It's a what?

15 A. Girl's shirt.

16 Q. Girl's?

17 A. Yeah.

18 Q. Okay. It's a short sleeve?

19 A. Uh-huh.

20 Q. Okay. And you said the pants are what, black?

21 A. Black. There's -- there's -- they're girl pants, too.
22 They have three buttons.

23 Q. Okay. Where do you have the shoes? Black. What make
24 are those, the brand?

25 A. No.

1 Q. No, you don't have them?

2 A. No.

3 Q. Just three buttons, that's what stands out?

4 A. Yeah.

5 Q. Okay. All right. And what was Johnny wearing?

6 A. He was wearing a gray sweater.

7 Q. Did it have any patterns, stripes, or anything?

8 A. Yeah, he had black stripes on his gray sweater. He had
9 black pants, blue shoes, and I don't know his shirt 'cause he
10 never took off his sweater.

11 Q. Okay. And Alan?

12 A. And Alan had a purple shirt, black pants, and black
13 shoes.

14 Q. Purple?

15 A. Purple.

16 Q. Purple shirt?

17 A. (Nodding.)

18 Q. Okay. Now, in relationship, who's the tallest of you
19 three?

20 A. Like, I don't know about Johnny and -- and Alan, 'cause
21 they're like the same size.

22 Q. Are they taller than you?

23 A. Yeah.

24 Q. You're -- you're the shortest?

25 A. Uh-huh.

1 Q. Okay. All right. Now, as you were running, as you
2 were running, all three of you, across the overpass to cross over
3 the freeway and then into the alley, did you all talk to each
4 other about what -- what had just happened? Did Johnny say
5 anything about --

6 A. No. No. We didn't talk at all. We were just running
7 and then after that we were just walking all quiet.

8 Q. And as you were walking --

9 A. After we stopped running, we went walk- -- we went
10 walking, but no one talked.

11 Q. No one talked?

12 A. No.

13 Q. No one said anything?

14 A. No, everyone was just silence.

15 Q. Okay. All right. Is there anything else? Let me
16 think if I have any more questions. Is there anything else that
17 I didn't ask that you -- you want to say that you think might be
18 important?

19 A. No, that's everything.

20 Q. Okay. So you -- you -- you did not hit this guy?

21 A. No, I -- I didn't touch him at all.

22 Q. You -- you said you had handed the sweater to Alan and
23 you were getting ready to --

24 A. Uh-huh.

25 Q. -- but it never happened?

1 A. No, I never touched him.

2 Q. Okay. As you were -- as he was down, did it appear
3 that he was unconscious?

4 A. He was twitching.

5 Q. He was twitching.

6 A. Yeah.

7 Q. And that's when -- that's when he got on top of him and
8 punched him?

9 A. No, no, no, no.

10 Q. Oh, after that?

11 A. After that. After -- after I took off Johnny, we saw
12 him. He -- he started twitching.

13 Q. Okay. You -- you -- you never really -- you never
14 touched him at all?

15 A. No, I didn't.

16 Q. Either to help him?

17 A. No. No.

18 Q. Or to hold him down, or anything like that?

19 A. No.

20 Q. Okay. And you said you pulled Johnny off?

21 A. Uh-huh. I grabbed -- I only grabbed Johnny. I didn't
22 touch the cop at all.

23 Q. Okay.

24 A. I only grabbed Johnny and -- and I told him, "Let's
25 go."

1 Q. Okay. So -- so you don't believe there's not gonna be
2 anything?

3 A. No.

4 Q. Okay. And getting back to the piece of metal, you --
5 you -- you don't think we'll find it because you don't
6 remember --

7 A. No, I don't remember at all. I swear, I don't
8 remember.

9 Q. Okay. All right. And again, the reason why you
10 scratched it?

11 A. No, I was just bored. Stupid.

12 Q. Stupid?

13 A. Yeah.

14 Q. Okay. Nobody told you to?

15 A. No. No one -- no one told me.

16 Q. You did not know that this was an officer's car?

17 A. At all.

18 DETECTIVE AMAN: All right. Okay. All right.
19 Give me just a minute, and be right back.

20 (Detective Aman exits the room, and the
21 interview resumes as follows upon his return.)

22 Q. Okay, Juan. What we're gonna do, I'm gonna uncuff you
23 real quick. Okay, you're not gonna cause any problems here,
24 right?

25 A. No.

1 Q. Okay. What we're gonna do, I want -- I want you to
2 demonstrate. I'm gonna stand in for -- for the cop, okay? Stand
3 up. And you're gonna stand in for Johnny, okay? You're Johnny,
4 okay? It's recorded, okay? I'm not asking you to demonstrate
5 what you did. I'm asking you to demonstrate what Johnny did, all
6 right?

7 A. Uh-huh.

8 Q. Okay. So you said there was a confrontation. It
9 started after he was yelling at you. You said, let's leave, and
10 then Johnny steps in, and now the confrontation is between Johnny
11 and the cop.

12 A. And the -- uh-huh.

13 Q. Okay. So now tell me, if I'm the cop, you're Johnny.
14 What did Johnny say to him? What did the cop say?

15 A. The cop was telling him that he was a fucking high
16 school kid, that he was like what, he was 17. And so Johnny told
17 him, "Yeah, dude, I'm 17."

18 And he told him, "You know who you're talking to?"

19 And like, "No, I just don't care."

20 And then that's -- that's when he told him, "I'm a
21 cop."

22 That's when told -- Johnny told him, "Show me a
23 badge." And he didn't say nothing.

24 Then after that, he told -- he told, "You guys are
25 fucking whack."

1 And told him why.

2 "'Cause -- 'cause you barely saw right there."

3 And told him, "No, he didn't -- he didn't do
4 nothing. You're just talking shit to us." And then after that
5 Johnny was getting mad. He was mad already. And after that,
6 well --

7 I was right there, right?

8 Q. You were --

9 A. Right.

10 Q. You were over here.

11 A. Right there.

12 Q. Okay.

13 A. And I told Alan, "Hold my sweater." That's when I got
14 closer and the cop pushed Johnny right here.

15 Q. Okay. I'm the cop. Push me.

16 A. Uh-huh.

17 Q. Show me.

18 A. Like that.

19 Q. Like that. Did he go back hard?

20 A. Johnny -- yeah, 'cause Johnny just went like that. And
21 when -- when he pushed him, Johnny went like that, and he punched
22 him in the face.

23 Q. Okay. So the cop stumbles back?

24 A. Uh-huh. And then Johnny tackles him.

25 Q. Okay. Show me. Don't hit me, but just show me.

1 A. Johnny picks him up from right here, throws him on the
2 ground.

3 Q. And he goes backward?

4 A. Uh-huh.

5 Q. He lands on his back?

6 A. Uh-huh.

7 Q. Okay. Now, I'm not gonna lie down here, but pretend
8 there's a person lying here. Now, show me what Johnny did.

9 A. Johnny was like that, poof, poof. And three --

10 Q. Can you step back a little bit right there?

11 A. Uh-huh.

12 Q. Okay. Now do it again.

13 A. He was like that. He sees he's --

14 Q. He held him down with one hand?

15 A. He -- he had his hand on his chest.

16 Q. On his chest.

17 A. And he punched him three times.

18 Q. Okay.

19 A. Like repeated, like -- that's when I grabbed Johnny
20 from here.

21 Q. On the -- on the -- on the left shoulder?

22 A. No, from right here. From all of it, from right here,
23 put my hand in here, 'cause he was like that.

24 Q. Okay. You were coming in from what side? From here?

25 A. From right here.

1 Q. From right here. Okay.

2 A. And I just grabbed him and told him, "Hey, let's go."

3 Q. Uh-huh.

4 A. That's when I -- I got him up.

5 Q. Okay.

6 A. And then we left.

7 Q. All right. Okay. Have a seat. And then so that's --
8 that's how you remember what was being said, what -- what the cop
9 said, what Johnny said?

10 A. Uh-huh. It's 'cause they -- they were saying a lot of
11 stuff. Like I can't remember all of it.

12 Q. Uh-huh.

13 A. They were saying mad -- mad stuff to each other. But I
14 can't remember all of it. I just remember that. Because like --
15 'cause after that I wasn't even talking, I was just listening to
16 them.

17 Q. Uh-huh. So it shifted the confrontation?

18 A. From me --

19 Q. From you to Johnny?

20 A. From me to Johnny, 'cause all -- all Johnny did
21 was just told him that, "You need to calm down, bro." That's
22 when -- I don't know if he took it the wrong way or something.
23 That's when he started talking shit to Johnny.

24 Q. Okay. All right. Okay. Well, it is now approximately
25 11:50 a.m. We're still on the same day, September 28th, and --

1 and this concludes the interview. Is there anything else you
2 want to say?

3 A. No.

4 Q. Okay. Let me just -- okay. It's gonna be a little
5 while. I'll be back. Okay, I'm gonna leave the door open. If
6 you need anything, go to the bathroom, you need water, just yell
7 it out.

8 A. Uh-huh.

9 (Detective Aman exits room.)

10 (End of video.)

11 * * * * *

12 Q. (BY DETECTIVE AMAN) One -- one more thing I've
13 gotta -- we've gotta clarify. The issue that -- that's -- it's
14 now 12:00 noon, straight up 12:00 noon. We're still talking
15 about the same thing. It's still you and me. This was -- this
16 is the second time you're here.

17 A. Uh-huh.

18 Q. Okay? Now, they went to your apartment and picked you
19 up and arrested you for that evading arrest.

20 A. (Nodding.)

21 Q. You were here two days ago on -- on -- on Wednesday and
22 you were given the opportunity to provide the same information.
23 They asked you what did you see, what do you know about this
24 incident, and you -- you kind of refused to provide the
25 information and asked for a lawyer. Can you explain to me why?

1 Were you scared or what was the reason?

2 A. I was scared.

3 Q. What -- what were you scared of?

4 A. I don't know if I was gonna go to jail.

5 Q. Okay. Did they -- at that point did you know what had
6 happened to -- to Johnny, what he was charged with?

7 A. No.

8 Q. No, you didn't?

9 A. No.

10 Q. Okay. You were just -- you were -- you were just
11 scared?

12 A. Uh-huh.

13 Q. Can you explain that a little more?

14 A. Well, it's 'cause -- it's 'cause like I don't -- I
15 didn't want to tell the story.

16 Q. Okay.

17 A. Because I was scared, like if I tell it, they were
18 gonna get -- get me too guilty or something. That's why I didn't
19 say nothing yesterday.

20 Q. Guilty of what?

21 A. Of -- of that case.

22 Q. Of the --

23 A. Yeah.

24 Q. -- the actual -- you mean you were -- you thought you
25 were actually gonna get charged with --

1 A. With the same thing as Johnny did.

2 Q. Okay. All right.

3 A. That's why.

4 Q. Okay.

5 A. (Unintelligible.)

6 Q. Now you understand right now you're only charged with
7 evading arrest.

8 A. Uh-huh.

9 Q. Okay?

10 A. Uh-huh.

11 Q. You're not charged with what Johnny did. We've
12 explained it, okay? So -- all right. So I just needed to
13 clarify that because it's the second time -- it's the second time
14 you're here and we didn't -- we didn't touch on that earlier.
15 Okay?

16 A. Yeah.

17 Q. That was just a short clarification. It's now 12:02.
18 And that now concludes the interview.

19 A. (Nodding.)

20 (Detective Aman exits the room.)

21 (End of video.)

22

23

24

25

CERTIFICATE

THE STATE OF TEXAS)

COUNTY OF EL PASO)

I, MARIA C. CHÁVEZ, Certified Court Reporter in
and for the State of Texas, certify that the foregoing is a
correct transcription, to the best of my ability, from the video
recording of the proceedings in the above-entitled matter.

I further certify that I am neither counsel for,
related to, nor employed by any of the parties to the action in
which this interview was taken, and further, that I am not
financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of
\$ 297²⁵ will be paid in full by the County of El Paso, Texas.

WITNESS MY HAND this, the 22nd day of
October, 2012.

Maria C. Chavez
MARIA C. CHÁVEZ

Certified Court Reporter

Certificate No. 2090

Date of Expiration: 12/31/2012

5668 Burning Tree

El Paso, Texas 79912

(915) 203-1246

E-mail: chavezmc@sbcglobal.net

TRANSCRIPT OF VIDEO INTERVIEW OF

JUAN ANTONIO GÓMEZ

THURSDAY, OCTOBER 4, 2012

10:35 A.M.

Case No. 12-269198

Detective Mike Aman

ID No. 1940

Location: (Not stated)

ORIGINAL

INTERVIEW OF JUAN ANTONIO GÓMEZ

BY DETECTIVE AMAN:

Q. Okay, Juan. My name is Detective Mike Aman, ID number 1940. And we're here to discuss an incident that occurred about a week ago. It's investigated under case number 12-269198 of the El Paso PD. It occurred on Tuesday, the 25th of September.

And what's your name?

A. Juan Gómez.

Q. And your date of birth?

A. 07/30/94.

Q. Okay. You know that you're here. You're under arrest. I pulled you out of county jail because when the incident happened, you ran from some officers and you were eventually arrested and charged with evading arrest. And you're still -- you're still in county jail under -- under that charge.

The incident here, however, is -- that we're really investigating here is an aggravated assault on a peace officer where you're -- where you're a witness. So before I talk to you, since you're under arrest, you're at a police station, I'm a police officer, I'm gonna read you your rights, okay?

A. Yes, sir.

Q. "You have the right to remain silent and not make any statement at all, and any statement you make may be used against you at trial.

"Any statement you make may be used as evidence

1 against you in court.

2 "You have the right to have a lawyer present --
3 present to advise you prior to and during any questions.

4 "If you are unable to employ a lawyer, you have
5 the right to have a lawyer appointed to advise you prior to and
6 during any questions.

7 "You have the right to terminate the interview at
8 any time."

9 And, "if you're not a U.S. citizen, you have the
10 right to contact your consulate."

11 Now, by talking to me you understand your rights,
12 these rights that I just read to you, and you hereby knowingly,
13 intelligently, and voluntarily waive these rights. In other
14 words, you're gonna discuss the incident with me, specifically,
15 some questions -- some additional questions we had.

16 So is that -- is that what you want to do?

17 A. Yes, sir.

18 Q. Okay. It is -- today is the 4th of October 2012. It's
19 approximately 10:35 a.m. And now we're gonna -- we're gonna talk
20 about -- about this incident.

21 Juan, the first question I had when this
22 incident -- this incident started, you know, we already -- you
23 already talked -- talked about this previously. And you told me
24 that you did, in fact, scratch a car on that day out there on
25 Trowbridge. And you just kind of described the tool to me, but

1 at that point you couldn't remember where -- where you ditched
2 that tool, where you got rid of it, where you disposed of it.

3 When I went out there yesterday, I found something
4 that kind of looked like what you had described and I took some
5 photographs of it, and then I want to show you these photographs.
6 And then you tell me if that is the tool that you had that day or
7 not. Okay.

8 These are -- that's the actual tool with a ruler
9 exactly where I found it. Same here without the ruler, and
10 that's the area. That's the sidewalk that -- that you were
11 walking on. And the area we found it was here like a gravel area
12 right -- right next to that ruffle. There you can see the photo.
13 In the photo you can see the tool and the ruffle.

14 So is this -- is this that tool that you used?

15 A. Yes, sir.

16 Q. Piece of metal, whatever you want to call it. Okay.
17 What you want to do is, if you can just -- can you lean forward
18 and write in your own words here that this is -- something to the
19 effect of this is the piece of metal that you used last -- last
20 week on Tuesday, last week, to scratch a car.

21 A. (Witness complies.)

22 Q. Just put there that, "This was on Tuesday last week."

23 A. (Witness complies.)

24 Q. Okay. Now, just go ahead and sign it and put the date
25 and time. Today is the 4th of October and it's about 10:35 on

1 the dot.

2 A. What's the date?

3 Q. The 4th of October. 10/4/2012.

4 A. What's the time?

5 Q. It's now -- right now it's 10:38 a.m. All right. So
6 that was the -- that was the first question, verification we
7 needed. Okay.

8 Now, let's see, what's some other issues we have?
9 Now, we had previously discussed, and you had told me that, you
10 know, this person you know as Johnny González, after he had
11 tackled the officer, or that person that at that time you didn't
12 know was an officer --

13 A. Yeah.

14 Q. -- that he -- he then kind of squatted over him and
15 beat him. Now, I want to ask you, when that happened, when --
16 when Johnny did that, was the officer, in your opinion, your
17 observation, was he conscious or was he not conscious? Describe
18 how the officer acted -- reacted to the --

19 A. He was unconscious. He was like that.

20 Q. Where were his hands?

21 A. Pretty much, like -- I don't know.

22 Q. Okay. Did --

23 A. They were just laying.

24 Q. Okay. Did he in any kind of -- in any way react to the
25 punches or block the punches?

1 A. No. No, sir. He did not block or react.

2 Q. Okay. Did you see if his eyes were open or closed?

3 A. They were open.

4 Q. His eyes were open?

5 A. Uh-huh.

6 Q. Okay. All right. Along the same lines, earlier you
7 had -- you had told me that at one point this -- this person on
8 the ground had some sort of -- started twitching, had some sort
9 of convulsions or seizure, or -- he had -- he made involuntary
10 [sic] movement, something like that that you had described to me.
11 When exactly did that happen? Was that before?

12 A. After. After I -- I pulled off Johnny off him.

13 Q. So in other words, after Johnny punched him in the
14 head?

15 A. Uh-huh.

16 Q. While he was on the ground?

17 A. (Nodding.)

18 Q. After that, you pulled Johnny off?

19 A. I pulled off Johnny and he started twitching.

20 Q. He started twitching.

21 A. Uh-huh.

22 Q. The twitching didn't start during the beating?

23 A. No. No.

24 Q. Okay. Okay. Another thing we've gotta clarify is the
25 issue, you said -- you said you had -- you had handed a sweater

1 to Medrano.

2 A. Uh-huh.

3 Q. Is that correct? Is that true?

4 A. Yes, sir.

5 Q. Now, did he keep it? Did he throw it away? Did you
6 get it back? What happened to it?

7 A. No, no. He gave it back to me.

8 Q. When?

9 A. As soon as everything happened.

10 Q. Okay.

11 A. As soon as we start running --

12 Q. Uh-huh.

13 A. -- after the beating, he gave it back to me.

14 Q. He gave it back to you?

15 A. Uh-huh.

16 Q. Okay. Did Johnny González give a sweater or piece of
17 clothing, whatever, to you -- to either you or Medrano?

18 A. No, sir.

19 Q. He kept all his stuff?

20 A. Uh-huh.

21 Q. Okay.

22 A. He kept all his clothes.

23 Q. Okay. Now, did you -- when you scratched the car, do
24 you believe that either Medrano or González saw that?

25 A. No, sir.

1 Q. You don't think so or --

2 A. No, I don't -- I don't -- I don't think so, that they
3 saw me.

4 Q. Okay. Would it surprise you if one of them, in fact,
5 or both of them, in fact, did?

6 A. Yes.

7 Q. Because like I said, we have -- we have a statement
8 that Medrano did see you.

9 A. That he saw me?

10 Q. He saw you. He knew.

11 A. Well, I -- I didn't saw -- I didn't look at him when
12 he -- when he saw me.

13 Q. Okay. When you did it, what did they do?

14 A. Nothing. They just kept walking.

15 Q. Did they --

16 A. No, they didn't say nothing.

17 Q. Didn't say nothing?

18 A. (Shaking head.)

19 Q. Okay. All right. Were they talking to each other at
20 all?

21 A. Uh-huh.

22 Q. Okay. But you don't think it was about this?

23 A. No.

24 Q. You scratching the car?

25 A. No.

1 Q. Okay. Did you ever -- did you know, or do you know, or
2 do you ever see them, Medrano or González, that is, practicing
3 some sort of boxing or judo or other martial arts together?

4 A. No, sir. No, sir. Not that I know.

5 Q. Not that you know of?

6 A. No.

7 Q. That -- do you know -- did you know that either one of
8 them had any kind of formal or informal training, or watched a
9 lot of movies about it, or anything about --

10 A. No, sir.

11 Q. -- about martial arts?

12 A. The -- the -- the only thing that I know about Alan --

13 Q. Uh-huh.

14 A. -- is that me and him always used to play around.

15 Q. What do you mean by "play around"?

16 A. Like going like that.

17 Q. Uh-huh.

18 A. But that's it. I don't -- he never told me that he
19 boxed or he know boxing or something. He never told me.

20 Q. Okay. Now, when you just -- you said you play around.
21 Now, was that more along the lines of boxing or more along --

22 A. No, no.

23 Q. -- wrestling or what?

24 A. No, that was just messing around.

25 Q. Okay.

1 A. It wasn't boxing.

2 Q. Did you ever hit each other?

3 A. No.

4 Q. Really hit each other?

5 A. No, sir.

6 Q. It was just make-believe or --

7 A. Uh-huh. It was just like to play around, to mess

8 around.

9 Q. Okay.

10 A. But, you know --

11 Q. Okay.

12 A. -- we never boxed or nothing.

13 Q. Okay. Now, you -- you made that -- that motion right

14 there. Was that it? Was it limited to boxing, or -- or did --

15 did you like wrestle on the ground for fun or anything like that?

16 A. No, nothing like that.

17 Q. Nothing like that?

18 A. Nothing like that.

19 Q. And you're sure you never got hit?

20 A. No.

21 Q. He never got hit?

22 A. No.

23 Q. Nothing?

24 A. No, sir.

25 Q. Okay. What was the purpose of it, just . . .

1 A. Just 'cause we were bored.

2 Q. Okay. Now, I asked you about injuries to Johnny that
3 we found when we arrested him. Did you see any injuries on him
4 after the -- after the beating of that person?

5 A. On his knuckles.

6 Q. How do you think they got -- he got them?

7 A. 'Cause when he tackled him --

8 Q. Uh-huh.

9 A. -- his hand hit -- well, Johnny's hands hit -- hit the
10 concrete first.

11 Q. Okay.

12 A. That's why he -- he had all those scratches.

13 Q. On both hands?

14 A. Uh-huh.

15 Q. On the back of the -- of his hands?

16 A. Yeah, on the knuckles.

17 Q. Okay. Did you see any injuries on his forearms, like
18 here on the inside --

19 A. No, sir.

20 Q. -- or outside of the forearms?

21 A. No, sir.

22 Q. You didn't see any there?

23 A. No.

24 Q. Okay. Did you all, as you were approaching where this
25 happened, did you jump over any rock walls, fences, or anything

1 like that --

2 A. No, sir.

3 Q. -- where he could have gotten these injuries?

4 A. No, sir.

5 Q. No? Okay. You had told me that at one point this
6 person identified himself as an officer. I just want to clarify
7 again when exactly that happened. You had told me, well, you
8 scratched the car and then this person comes running out of the
9 house, and addresses you about this issue of you scratching the
10 car. Did he at that time -- at that time identify himself to you
11 as a police officer?

12 A. No, sir.

13 Q. Okay. You said earlier that -- that he was -- at that
14 point he was still talking nice. What do you mean by that?

15 A. Like he was -- he was telling me, "Why did you scratch
16 my -- my -- my car, bro?"

17 Q. He -- he questioned you about it?

18 A. Uh-huh.

19 Q. Okay.

20 A. He questioned.

21 Q. Okay. But he -- he didn't -- he didn't threaten you or
22 anything?

23 A. No, sir.

24 Q. Okay. So when -- when did he identify himself as a
25 police officer?

1 A. After he -- he got in his car and follow us.

2 Q. Okay.

3 A. After that, then he -- he started talking, well, shit
4 to me.

5 Q. Okay.

6 A. And that's when I -- when I just told him, I'm gonna
7 leave.

8 Q. Uh-huh.

9 A. And just walk off. And I told Johnny and Alan, let's
10 go. And -- and I don't know what he said, and Johnny came back
11 and told him to calm down. And after that they were talking shit
12 to each other.

13 Q. Uh-huh.

14 A. And after that I -- I -- I heard him. He said, "I'm a
15 police officer."

16 And Johnny -- and Johnny told him politely, "Can
17 you show me a badge?" And he -- he didn't show nothing.

18 Q. Okay.

19 A. He stayed quiet for like --

20 Q. Okay.

21 A. -- three seconds.

22 Q. But he said he's an officer?

23 A. Yes, sir.

24 Q. Okay. Did he -- at that point there were some people
25 around in the area. Did he ask anybody to call the police?

1 A. Yes, sir.

2 Q. Who did?

3 A. Huh?

4 Q. Who did? The person?

5 A. No. No. The police officer --

6 Q. Yeah.

7 A. -- he told an old lady --

8 Q. Uh-huh.

9 A. -- that if she can call the police.

10 Q. Where was the old lady at?

11 A. In -- that happened in front of her house.

12 Q. Okay. She was at that --

13 A. Yeah, she was -- she was outside right there.

14 Q. Okay. So the officer told her, or the person --

15 A. Uh-huh.

16 Q. -- that eventually turned out to be an officer --

17 A. To call the -- yeah.

18 Q. -- to call the cops?

19 A. And she didn't do nothing.

20 Q. She didn't do anything?

21 A. No, she was just saying, "Don't fight."

22 Q. Okay. All right. We're investigating all of

23 the involved parties' Facebook accounts, and a question came up.

24 Do you at this time or do you have in the past a Facebook account?

25 A. Well, it's disactivated [sic] right now.

1 Q. Okay. When did you deactivate it?

2 A. On Wednesday.

3 Q. Wednesday after the incident?

4 A. Yes, sir.

5 Q. Was there a particular reason why you deactivated it on
6 that day?

7 A. No. I don't use it anymore.

8 Q. Okay. Did either Johnny González or Alan Medrano send
9 you any messages or post anything on your wall related to this
10 incident?

11 A. Not that I know, 'cause I deactivated.

12 Q. Well, did you look at it before --

13 A. No.

14 Q. -- you deactivated it?

15 A. No, sir. I looked at it at -- when -- on Tuesday at
16 6:00.

17 Q. Well --

18 A. And I --

19 Q. -- that's about an hour after the incident.

20 A. Yeah. And I didn't have nothing.

21 Q. Okay.

22 A. And on Wednesday I deactivate, so I don't know if I --

23 Q. And you didn't look again on Wednesday?

24 A. No, sir.

25 Q. Before you shut it down, you didn't look if there's --

1 if there's anything about this?

2 A. No, sir.

3 Q. Okay. Did -- did either Johnny or Alan tell you to
4 shut it down?

5 A. No, sir.

6 Q. I mean, in other words, you know, "you better shut this
7 down" --

8 A. No.

9 Q. -- or whatever?

10 A. They never told me nothing.

11 Q. Okay. Do you remember what your -- what your name --
12 your -- your -- your user name was, or under what name you had
13 that account?

14 A. Bootz.

15 Q. Bootz. How do you spell that?

16 A. B-o-o --

17 Q. Uh-huh.

18 A. -- t-z.

19 Q. T-z. Okay. All right. All right, Juan. That's
20 really pretty much it.

21 One more question. And that's gonna be an
22 uncomfortable question, but I've gotta ask it. We're still --
23 we're still trying to find out a motive why Juan reacted the way
24 he did. I mean, not Juan, Johnny, Juan González, not you. In
25 other words, why -- why -- why that -- that strong reaction. Is

1 Q. That's pretty much it?

2 A. (Nodding.)

3 Q. All right. Okay. Yeah. And so with that out of the
4 picture, I'm sure you've thought about it. Why did Johnny react
5 the way he did? Do you have any possible --

6 A. No, sir. No.

7 Q. -- explanation for that?

8 A. No, I -- I don't even know why -- why he stood up.
9 'Cause it was my problem with -- with a police officer.

10 Q. Right.

11 A. And I don't know why -- why he came back and he start
12 doing -- told him to calm down and it started.

13 Q. It's just you said earlier that -- that he has a
14 temper.

15 A. Uh-huh. He does.

16 Q. He does?

17 A. (Nodding.)

18 Q. Did you see some outbursts like that on earlier
19 occasions?

20 A. No. No, sir.

21 Q. So how do you -- why do you say he has a temper?

22 A. 'Cause -- 'cause I -- I talk to his dad and -- and his
23 dad has a temper, too.

24 Q. His dad?

25 A. His dad.

1 there -- is there a special relationship between you and him?

2 A. No, sir.

3 Q. Because he defended you, well, to some extent. He
4 interfered in what the officer -- he was trying to communicate
5 with you --

6 A. Uh-huh.

7 Q. -- about the scratching of the car, and then Johnny
8 came in and then -- and then it all happened. Is there a special
9 romantic, if you want to call it, relationship between you and
10 him?

11 A. No, sir.

12 Q. In other words --

13 A. No, sir.

14 Q. -- are you --

15 A. We're just friends.

16 Q. You're just friends.

17 A. Yes, sir.

18 Q. There's no -- there's no sexual thing going on?

19 A. No. No, sir.

20 Q. Okay. All right. Is there anything else that -- that
21 you think -- that you could think of now you've been here a few
22 days downtown in the county jail that you think might be
23 important that you haven't -- that I haven't asked, that you
24 haven't told me?

25 A. No, sir. That's pretty much all.

1 Q. Uh-huh.

2 A. And well, probably that's where you get your temper
3 from.

4 Q. Uh-huh.

5 A. 'Cause like I have a temper, too, but I -- I -- I
6 control myself. I know how to control myself and I got it from
7 my mom --

8 Q. Uh-huh.

9 A. -- the temper. So that -- that's pretty much -- I
10 think that's why he has a temper.

11 Q. Okay. All right. All right. Juan, it's now
12 approximately 10 -- 10:50 p.m. And let me just go out there and
13 be right back. Do you need a cup of water or anything?

14 A. Yes, sir.

15 Q. Cup of water?

16 A. Uh-huh.

17 DETECTIVE AMAN: Okay.

18 (Detective Aman exits room, then returns.)

19 DETECTIVE AMAN: Okay, here you go, Juan.

20 THE WITNESS: Thank you, sir.

21 DETECTIVE AMAN: I'll be right back. Be a couple
22 of minutes, huh?

23 (Detective Aman exits the room, and the
24 interview resumes as follows upon his return.)

25 Q. Okay, Juan, almost there. A few more questions.

1 (Unintelligible.) Like I said, it's five of us investigating
2 this.

3 A. (Nodding.)

4 Q. And of course, everybody is doing different things, and
5 we've gotta coordinate. So I -- well, you just told me the
6 clarifications of two specific --

7 A. Yes.

8 Q. -- (unintelligible) -- so they came up with some
9 additional questions.

10 That -- you said that day you were walking from
11 the school to the shop, which is at Pershing and in that curve --

12 A. Uh-huh.

13 Q. -- next to the Valero, right?

14 A. Yes, sir.

15 Q. Next to the shop --

16 A. Yes, sir.

17 Q. -- where Alan's truck was. And from there you went --
18 then went to your apartment complex, so that was -- that was the
19 perfectly logical route to take.

20 A. Uh-huh.

21 Q. Now, when you usually walk home from school, is there --
22 because you don't go to that store or to that shop every time.

23 A. No. No. I never walk.

24 Q. What's your normal route? In other words, from school
25 to your house?

1 A. I get a ride.

2 Q. You get a ride?

3 A. I get a ride.

4 Q. You don't walk usually?

5 A. No.

6 Q. When you do -- did you ever walk before?

7 A. No, sir. That was the first time.

8 Q. The first time you walked. Who's your ride?

9 A. Johnny's uncles.

10 Q. Uh-huh.

11 A. It's 'cause after school's finished, me and him have a
12 class.

13 Q. Uh-huh.

14 A. And we -- we -- we get out at 4:00. No. Yeah. At
15 5:00.

16 Q. Uh-huh.

17 A. 'Cause the class ends at 4:00, we get out at 5:00.

18 Q. Okay.

19 A. And his uncle is the one that picks us up --

20 Q. Okay.

21 A. -- and take us home.

22 Q. When you get the ride, do you drive through that
23 neighborhood or -- or --

24 A. No, sir.

25 Q. How do you drive from your . . .

1 A. I don't know which way he takes. He takes different
2 ways.

3 Q. Uh-huh.

4 A. I -- I -- I sit on the back.

5 Q. Okay.

6 A. And I don't know which ways he takes.

7 Q. Okay. All right. So do you think you've ever been to
8 that neighborhood on your way home from school before?

9 A. No, sir.

10 Q. You don't think so?

11 A. That was the first time.

12 Q. Okay. All right. And I think I asked you before. In
13 that neighborhood or in that particular -- that particular house
14 where that car was, did you ever see a police car, a marked unit --

15 A. No.

16 Q. -- you know, with overheads and stripes?

17 A. No, sir.

18 Q. Never?

19 A. No.

20 Q. Okay. Do you know anything about Johnny's mom? Where
21 is she at?

22 A. No, sir.

23 Q. Have no idea?

24 A. No.

25 Q. Never met her?

1 A. No.

2 Q. Do you know if he's in contact with her?

3 A. No.

4 Q. He's not, or you don't know?

5 A. No, I don't know.

6 Q. You don't know?

7 A. I don't -- no, I don't know.

8 Q. No?

9 A. No.

10 Q. Did he ever mention her to you in conversation?

11 A. No, sir.

12 Q. Where she's at, or if he's --

13 A. No, sir.

14 Q. -- in contact with her or . . .

15 A. No.

16 Q. No? Okay. All right. Now, you said you had a

17 Facebook account and you shut it down. How do you access this --

18 this -- because you don't have a computer, right?

19 A. No.

20 Q. How do you access it?

21 A. On -- on -- on a phone.

22 Q. Where's that phone at?

23 A. One of -- one of -- one of -- a roommate has it from

24 where I live.

25 Q. Uh-huh.

1 A. She --

2 Q. That apartment on --

3 A. On the one --

4 Q. 51 --

5 A. 09.

6 Q. Huh?

7 A. 5109.

8 Q. 5109?

9 A. Uh-huh.

10 Q. Number --

11 A. 7.

12 Q. -- 7, right? Okay. And there's -- there's your
13 roommate who has it?

14 A. Uh-huh. No, she -- well, that's her phone. I just use
15 it to get on Facebook.

16 Q. Oh, it's her phone?

17 A. Yes, sir.

18 Q. Because Sergio lives there with you, right?

19 A. Yes, sir.

20 Q. So is it his phone?

21 A. No. No. No. It's -- it's the roommate. It's 'cause
22 we live -- it's me --

23 Q. Uh-huh.

24 A. -- my brother and his wife, and a roommate.

25 Q. Who's the roommate?

1 A. Ana.

2 Q. Uh-huh. What's her last --

3 A. I don't know her last name.

4 Q. But she lives there and she's still there?

5 A. I -- probably. Yeah.

6 Q. And it's her phone?

7 A. Yes, sir. That's what I only use it for, to --

8 Q. Do you know her phone number?

9 A. No, sir.

10 Q. Okay. So that's the phone you used. Did you use like
11 a library computer or anything like that?

12 A. No.

13 Q. No?

14 A. No, sir.

15 Q. Just that phone?

16 A. Uh-huh.

17 Q. What kind of phone was it? An Android or what?

18 A. No, an iPhone.

19 DETECTIVE AMAN: iPhone? All right. Okay. Now,
20 that -- that's -- that concludes it now for good. It's about --
21 approximately 11:00 a.m. Let me just go next door. I'll be
22 right back.

23 (Detective Aman exits room.)

24 (End of video.)

25

CERTIFICATE

THE STATE OF TEXAS)

)

COUNTY OF EL PASO)

)

I, MARIA C. CHÁVEZ, Certified Court Reporter in
and for the State of Texas, certify that the foregoing is a
correct transcription, to the best of my ability, from the video
recording of the proceedings in the above-entitled matter.

I further certify that I am neither counsel for,
related to, nor employed by any of the parties to the action in
which this interview was taken, and further, that I am not
financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of
\$ 246⁵⁰ will be paid in full by the County of El Paso, Texas.

WITNESS MY HAND this, the 22nd day of

October, 2012.

Maria C. Chavez
MARIA C. CHÁVEZ

Certified Court Reporter

Certificate No. 2090

Date of Expiration: 12/31/2012

5668 Burning Tree

El Paso, Texas 79912

(915) 203-1246

E-mail: chavezmc@sbcglobal.net

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Andrew Kruk
Who being by me duly sworn, deposed as follows.

My name is Andrew Kruk
I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (7) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

These said one (7) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

[Signature]
(Signature)

SWORN TO AND SUBSCRIBED before me on this 21st day of March 2013.

[Signature]
(Notary Public in and for the STATE OF TEXAS)

Christina V. Valenzuela
(Print Name)

My Commission Expires: 8-27-2016



Appendix H

3/18/13

Jessica Hernandez

New Meadows Id
83654

Signature

6138

Juan Antonio Gonzalez
Pk#9533684
12501 Montana
El Paso TX 79938

BOISE ID 837
12 MAR 2013 PM 2 L



79938+9613



Johnny

1/22/13

Hi sweetie. I just had my surgery done yesterday and I'm so terribly sore. I had a very large infected growth that they had to remove or it would have turned cancerous. They found it when I was pregnant with Michael but couldn't remove it until after he was born and I was fully recovered from having him. I am going to be down for probably two weeks or so. This will be the last surgery I have to have done. (Fingers crossed) I am hoping to heal quickly so I can get back to feeling better. As soon as I am completely healed, I plan to start schooling, college online, for my pharmacy technician license. I would eventually like to get my pharmacist license but there are no campuses close to me and you can't get your license for that online, you have to go through a campus. The closest campus to me is 3 hours away. I'm also interested in nursing, but again I'd have to go to a campus, but once you get your LPN (Licensed Practicing Nurse) license, you can do the rest of your nursing classes online. My plan is to go ahead and get my pharmacy technician license and then get my veterinarian technician license. I chose to go with the pharmacy one first because of the area I live in there's not much work for vets, but because animals are where my actual passion lies, I'm going to go ahead and do it so when the opportunity arises I can seize it. I want to have my own cat shelter one day. That's my dream anyways.

My sister Erin and her fiancé and three kids are living in Salt Lake City, Utah right now, but are moving up here to McCall, Idaho which is only 13 miles away from me in the next two weeks or so. I would love to be close to her again and she also wants to move close to my mom, your Mimi. Problem is, they don't know that I am planning on moving back to Cali once Gabriel finishes this school year. Kind of throws a wrench in my plans because I'm second guessing my decision now. I just miss Cali so freakin much, my heart longs to go home.

My sister Erin just came up to Idaho to visit us and got to meet Michael for the first time. It was so cute because she would hold him and he would start babbling to her. Michael has recently discovered his voice. He is always babbling and making cooing noises. It drives your bother Gabriel nuts, especially when he is trying to play his xbox.

So how are you holding up right now? Your father always tells me your fine, but I can't imagine everything is fine. It must be terribly difficult for you. The last I heard they moved you back to solitary. Do you prefer that to being in general population?

It has been so cold here lately. Every night it gets to like minus 15 degrees outside and only warms up into the teens, maybe the low 20's if we're lucky. I don't go outside much because it's so cold it hurts to breathe the air in. I make one of the boys take the dog out. I am thankful for my fireplace on those cold nights.

McCall is putting on a snow carnival next weekend. They get so much snow; I'm talking major feet of snow every year. Anyways, the whole town's businesses build these crazy snow sculptures and they have a parade to begin it off with. Some of these sculptures they build are in fact amazing. This year's theme was magic and dragons. Some of the dragons are quite awesome looking so far. They build them

as large as a semi-truck. I can't wait to see the final sculptures. That is, if I am able to walk around town by then, since I just had this surgery done. I'm hoping I will be able too though.

2/4/2013

Well, I am feeling better now, a little anyways. I received your letter. Thank you Johnny. It means the world to me to hear from you, I have longed for that for so very long now. By the way, where did you get such beautiful handwriting? Wasn't me for sure! I am always in a hurry so it's sloppy, even for a girl.

You told me in your letter how you'd walk down alleyways and find kittens to bring home... I had a good chuckle about that because I do that too. I always had kittens; it drove your dad nuts. He always ended up letting me keep them though, just to make me happy I guess LOL. I'm doing good now though, only have four, down from thirteen, but that's only because I have your baby brother Michael. In time I will have more I'm sure. I did finally get my wolf dog though. He is two years old and his name is Aquloa (A-koy-ya). He is a purebred out of the Canada stock. We are going to get a female wolf one day and breed them. I want her to be an American timber wolf though.

I know my letters are long for you probably, and it seems like I have a lot to say. I have just waited for so terribly long now to be able to talk to you that I'm overjoyed Johnny. I want to share my life with you and reconcile the past between us. You are my first born and have always been my world, more than you will ever realize. I am thankful that my mother, your Mimi, has helped me keep it together for these past years, and was always there for me every time I breakdown and cry for you. I am very happy that you and your brother Gabriel are talking too. He really does want to get to know you. It has been hard for the both of you.

I am about tired of all this snow already. I am looking forward to spring, just so I can go hiking into the woods again. I have been cooped up in this house way too long, since June actually. Ugh, I'm going nuts over here with cabin fever. Now that all my surgeries are done and I'm on the mend I need my wilderness fix.

2/14/13

I guess I will have to include pictures in your next letter. Ran out of ink. What timing I swear. Sorry this letter has kind of been hit and miss on the dates, been trying to recover fully. Doing a lot better though. Sucks getting old. I have all the pictures ready I just need to go get some ink ok. I will for sure include them in the next letter.

My sister Erin finally moved up here to McCall and she does hair by trade and so I had her color mine for me. I just had her lighten the blonde up a bit and put light brown streaks in it. It turned out really cool. I went to the store to get milk today and as I crossed the parking lot these two girls in a car yelled out the window to me "Hey Barbie get out of the way". I had to laugh my ass off at being called Barbie. If they only knew how much of a tom boy I am, I just like to look good doing it. I'm still laughing my ass off about it.

Your brother Gabriel has decided to try out for the basketball team, and his first week of practice I get this phone call from him to say "Mom come get me I need to go to the hospital". I'm like what the hell??? Gabriel says to me that he was trying to do a fancy layup and bounce the ball between his legs and brought his knee up and busted his own lip open. Two stitches later.... What a dork! Who needs comedy movies when I've got Gabriel to entertain me all the time. Oh just wait, it gets even better... The following week I get another phone call from the school saying "You need to come pick up your son he's hurt his ankle." Great. So another trip to the E.R. to find out that he fractured his growth plate in his ankle. Yep, he was playing basketball at lunch time and jumped on the ball and when he landed he came down wrong on his ankle. I told him that basketball is definitely not his sport and that I should just buy him pom pom's to be the team cheerleader!

3/1/13

I've gone to a couple of Gabriel's basketball games now and he's actually not that bad, when he's not hurting or injuring himself, LOL. I enjoy going to watch him play. He's says my mom and I embarrass him because we are always the loudest cheering for him. Oh well.

I've started a job in town and it's really kicking my ass because of the major problems I have with my back. But I'm also going to be starting a second job as a receptionist at a spa at the biggest, fanciest resort in McCall. I can't wait; it will be so much easier on my back for sure. Several years ago when I first moved to California a bunch of kids and I went out on a low tide to climb on the rocks at the beach and unfortunately your mom fell, and fell hard. I injured a couple disks in my back and have some nerve damage also, so it gives me trouble every day of my life. Bummer.

3/6/13

Happy Birthday Johnny. I can't believe your 18 now. I called your dad today because I had a complete breakdown balling my eyes out and I figured he probably was too. I was correct. I told your dad that 18 years ago we made the most beautiful baby boy. I couldn't stop crying today because I miss you so very much and my heart longs for you. I hold it in only for so long and sometimes something just sets it off and I completely loose it, it just happened to be your birthday. It seems like everything today is a reminder of you. I hold Michael and think to myself that 18 years ago it was a different baby I was holding. Then I look and see the blanket Michaels wrapped in, its your baby blanket. I've held on to your two baby blankets for all this time because I just can't let them go. I even have a teddy bear of yours that has a heartbeat. I tried to clean my house today to distract my thoughts of you and I found myself starring at all your pictures I have around the house and again I bawl. I make a cake for you every year faithfully. This year I made you a chocolate cake with a white chip frosting. One day I hope to actually be able to share it with you for a change. I was so sad today because of how much I miss you and it breaks my heart that you are not out free to enjoy this special day. Your dad told me you at least got to talk to your girlfriend. I'm glad she is standing by you. I sent you a card with the two pictures in it, I hope you got them. Ok, enough sad talk... you will have many more birthdays to come and be able to celebrate them.

3/10/13

I have been so dang busy. My sister Erin just got married yesterday and between that, working, the surgery, getting schooling started and your baby brother Michael, I haven't had time for myself even, let alone to get this letter sent out. This will be the last entry because I'm going to get this sent to you. I'm sure you may have thought I've forgotten about you, but I never could sweetie. I apologize it has taken me so long to get this letter out to you. And like I said prior, I will include pictures with the next letter ok. I know Gabriel is working on a letter to you also and I will send it out as soon as he gives it to me. I look forward to another letter from you. I love you so deeply Johnny... I am sending you the biggest hugs and a kiss. I will write again soon.

Love,

Mom

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Noe Hernandez
Who being by me duly sworn, deposed as follows.

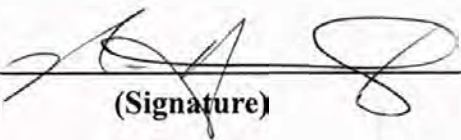
My name is Noe Hernandez
I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

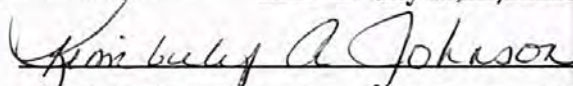
Attached here is (2) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686
Annex stay period: From 10/03/2012 to Current

These said one (2) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

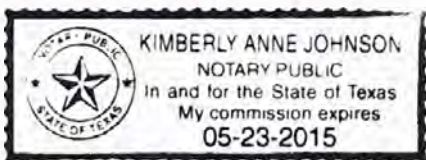

(Signature)

SWORN TO AND SUBSCRIBED before me on this 25 day of September 2013.


(Notary Public in and for the STATE OF TEXAS)

Kimberly A Johnson
(Print Name)

My Commission Expires: 5-23-2015



Erin Graham
[REDACTED]
McCall, Id 83438

BOISE ID 837
17 SEP 2013 PM 2 T



106

Juan Gonzalez
PR# 9533480
12501 Montana
El Paso, TX 79938
7533815613

SEP 20 2013



Dear Johnny -

9-15-13

Sorry It has taken me so long to write. Many times I sat to compose this letter and found ~~myself~~ myself struggling with words.

Let me start with this: I am your Aunt Erin. I love you. I always have and I always will. You have 3 cousins from me. Kiara is ten and the twins, Rhett and Aurora are 4. My husband, your Uncle Rich also has a daughter, Allison, and she is 16. So that describes my little piece of your family.

I don't know that you will remember me very well since the last time I saw you (other than in pictures) you were 4. I just wanted to let you know, I think of you so very often, you are always in my prayers and I love you so very much.

If you choose to write me you can send it to:

Erin Graham

McCall, Id 83638

Love Always,
Aunt Erin

© 2007 Park Avenue Stationery Co. Made in China

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Raul Reyes
Who being by me duly sworn, deposed as follows.

My name is Raul Reyes

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

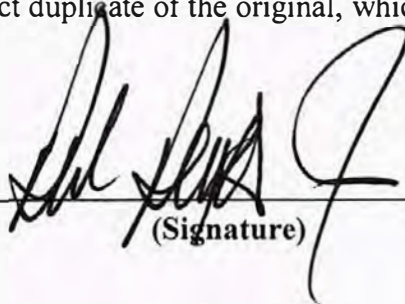
El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (2) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

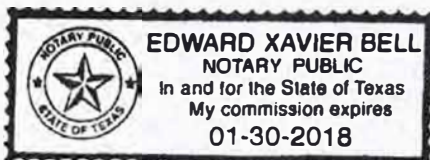
These said (2) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.


(Signature)

SWORN TO AND SUBSCRIBED before me on this 24th day of April 2014.


(Notary Public in and for the **STATE OF TEXAS**)



Edward Xavier Bell
(Print Name)

My Commission Expires: 01/30/2018

APR 23 2014

Jesse Hernandez

New Meadows ID
83454

EOISE ID 837

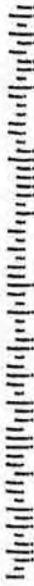
17 APR 2014 PM 11

Freedom
FOREVER

1/2

Juan Antonio Gonzalez
Bk# 9533686
El Paso County Jail Annex
12501 Montana
El Paso, TX 79938

79938+9613



Johnny,

4/15/14

Hey sweetie. I received your last letter and breathed a huge sigh of relief that your not gonna stop talking to me just because of your father. Thank you for that Johnny. I was terrified of that.

Well, to tell ya, my life is definitely never boring. I had to kick Josh (Michaels dad) out because he got physical with me one too many times and I will not put up with that bullshit anymore. Been through it too much in my lifetime and Im no longer the pushover little girl I once was.

I am dating someone right now and its going well. His name is Kaz, hes Irish lol. It's almost weird to have someone in my life who treats me so well. I've always had a tendency to go out with the "bad boys" ya know. Well Kaz has his bad boy side but is a good man. Hes good to Gabriel and to Michael too.

I still work the night audit shift for Best Western Hotel here, been going on a year now. We are hitting our slow season now so its quite boring at night. Eh, gives me plenty of time to play on facebook, read or watch movies lol.

Gabriel is getting all A's and B's in school. He gets his drivers permit at the end of this week. Hes not too bad of a driver so far. He drives my Montero well. He is also going on a trip with his science teacher to Moab Utah for a week to go camping at the Arches National Park. Hes never been but I have and its beautiful there. Lucky Dog.

Michael is a handful, Lord help me. That boy has more energy than he knows what to do with. Now that it is nice outside Ive been letting him play outside thinking hes tucker out----YA RIGHT! Go, go, go, go, go..... Hes talking a lot more now too. I gave him a haircut so that I could spike the top of his hair, it looks so fucking cute on him. That boy can pack away some food too. He eats as much as me sometimes. Guess hes got to for all that energy hes got. Hes a tough little man. He ate shit on the gravel outside and busted his lip open and tore up his forehead but didn't even blink an eye, just got up and kept going. All you boys were like that.

Kaz and I went for a walk the other day back by the river with lil Michael and Michael started picking flowers (more like just the petals lol) and giving them to me. Almost made me cry cause I thought of you as a little boy always picking me flowers. I got some great pictures though.

Well, my mom, dad and sister and I have had it out again. So fucking tired of my family. UGH!!! Ive pretty much cut them all off. Hurts, but tired of people walking all over my feelings and I wont put up with bullshit in my life anymore. Guess you could say I finally grew some balls, that's why your dad and I are done talking too. I finally stood up to him too lol. My life has been for the most part stress and drama free for once. Plan to keep it that way too. Your mommas been through too much in her life and has finally decided to put her foot down. Wish I woulda done it years ago though.

Keep me up to date on your court status and stuff k. And, by the way, Gabriel thought your drawings were cool, I thought they were amazing! As dorky as it sounds, I wanna frame mine. I would love to have anything you draw up ok. Doesn't matter what it is either, as long as its from you sweetie.

My house is animal free right now and its driving me nuts. Had to rehome my cats and the wolves a bit ago. Strange for me to not have any animals running around. First time ever for me. I at least always have cats, but not now. Don't know what im going to do. Im thinking of getting a dog but not sure on that yet. Eh, we'll see I guess...

Have the funniest joke to tell ya..... "What do you call a prostitute with a runny nose?" "Full"
Bwhahahahahah, omg that's so funny. Nasty but funny. Gabriel and I crack up over that one. Have a bunch but they're done right dirty.

Anyways, I guess I will cut this letter off for now. As always I look forward to your return letters. I love you sweetie!

Love, Mom

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Andrew Kruk
Who being by me duly sworn, deposed as follows.

My name is Andrew Kruk
I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

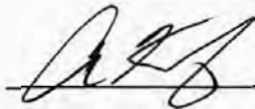
El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (7) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

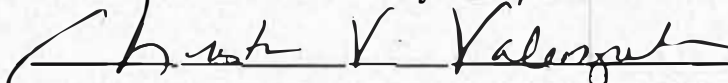
These said one (7) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

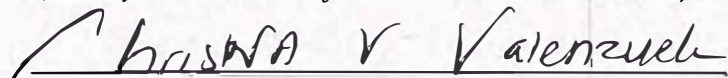
The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.



(Signature)

SWORN TO AND SUBSCRIBED before me on this 3rd day of April 2013.


(Notary Public in and for the **STATE OF TEXAS**)


(Print Name)

My Commission Expires: 08-27-2016



4/2/13

Jessica Hernandez
[REDACTED]
New Meadows, ID 83654

BOISE ID 837
27 MAR 2013 PM 1 T

613-B

Juan Antonio Gonzalez
BK# 9533486
12501 Montana
El Paso, TX 79938

79938+9613



Hi sweetie. I just had my surgery done yesterday and I'm so terribly sore. I had a very large infected growth that they had to remove or it would have turned cancerous. They found it when I was pregnant with Michael but couldn't remove it until after he was born and I was fully recovered from having him. I am going to be down for probably two weeks or so. This will be the last surgery I have to have done. (Fingers crossed) I am hoping to heal quickly so I can get back to feeling better. As soon as I am completely healed, I plan to start schooling, college online, for my pharmacy technician license. I would eventually like to get my pharmacist license but there are no campuses close to me and you can't get your license for that online, you have to go through a campus. The closest campus to me is 3 hours away. I'm also interested in nursing, but again I'd have to go to a campus, but once you get your LPN (Licensed Practicing Nurse) license, you can do the rest of your nursing classes online. My plan is to go ahead and get my pharmacy technician license and then get my veterinarian technician license. I chose to go with the pharmacy one first because of the area I live in there's not much work for vets, but because animals are where my actual passion lies, I'm going to go ahead and do it so when the opportunity arises I can seize it. I want to have my own cat shelter one day. That's my dream anyways.

My sister Erin and her fiancé and three kids are living in Salt Lake City, Utah right now, but are moving up here to McCall, Idaho which is only 13 miles away from me in the next two weeks or so. I would love to be close to her again and she also wants to move close to my mom, your Mimi. Problem is, they don't know that I am planning on moving back to Cali once Gabriel finishes this school year. Kind of throws a wrench in my plans because I'm second guessing my decision now. I just miss Cali so freakin much, my heart longs to go home.

My sister Erin just came up to Idaho to visit us and got to meet Michael for the first time. It was so cute because she would hold him and he would start babbling to her. Michael has recently discovered his voice. He is always babbling and making cooing noises. It drives your bother Gabriel nuts, especially when he is trying to play his xbox.

So how are you holding up right now? Your father always tells me your fine, but I can't imagine everything is fine. It must be terribly difficult for you. The last I heard they moved you back to solitary. Do you prefer that to being in general population?

It has been so cold here lately. Every night it gets to like minus 15 degrees outside and only warms up into the teens, maybe the low 20's if we're lucky. I don't go outside much because it's so cold it hurts to breathe the air in. I make one of the boys take the dog out. I am thankful for my fireplace on those cold nights.

McCall is putting on a snow carnival next weekend. They get so much snow; I'm talking major feet of snow every year. Anyways, the whole town's businesses build these crazy snow sculptures and they have a parade to begin it off with. Some of these sculptures they build are in fact amazing. This year's theme was magic and dragons. Some of the dragons are quite awesome looking so far. They build them

as large as a semi-truck. I can't wait to see the final sculptures. That is, if I am able to walk around town by then, since I just had this surgery done. I'm hoping I will be able too though.

2/4/2013

Well, I am feeling better now, a little anyways. I received your letter. Thank you Johnny. It means the world to me to hear from you, I have longed for that for so very long now. By the way, where did you get such beautiful handwriting? Wasn't me for sure! I am always in a hurry so it's sloppy, even for a girl.

You told me in your letter how you'd walk down alleyways and find kittens to bring home... I had a good chuckle about that because I do that too. I always had kittens; it drove your dad nuts. He always ended up letting me keep them though, just to make me happy I guess LOL. I'm doing good now though, only have four, down from thirteen, but that's only because I have your baby brother Michael. In time I will have more I'm sure. I did finally get my wolf dog though. He is two years old and his name is Aquioa (A-koy-ya). He is a purebred out of the Canada stock. We are going to get a female wolf one day and breed them. I want her to be an American timber wolf though.

I know my letters are long for you probably, and it seems like I have a lot to say. I have just waited for so terribly long now to be able to talk to you that I'm overjoyed Johnny. I want to share my life with you and reconcile the past between us. You are my first born and have always been my world, more than you will ever realize. I am thankful that my mother, your Mimi, has helped me keep it together for these past years, and was always there for me every time I breakdown and cry for you. I am very happy that you and your brother Gabriel are talking too. He really does want to get to know you. It has been hard for the both of you.

I am about tired of all this snow already. I am looking forward to spring, just so I can go hiking into the woods again. I have been cooped up in this house way too long, since June actually. Ugh, I'm going nuts over here with cabin fever. Now that all my surgeries are done and I'm on the mend I need my wilderness fix.

2/14/13

I guess I will have to include pictures in your next letter. Ran out of ink. What timing I swear. Sorry this letter has kind of been hit and miss on the dates, been trying to recover fully. Doing a lot better though. Sucks getting old. I have all the pictures ready I just need to go get some ink ok. I will for sure include them in the next letter.

My sister Erin finally moved up here to McCall and she does hair by trade and so I had her color mine for me. I just had her lighten the blonde up a bit and put light brown streaks in it. It turned out really cool. I went to the store to get milk today and as I crossed the parking lot these two girls in a car yelled out the window to me "Hey Barbie get out of the way". I had to laugh my ass off at being called Barbie. If they only knew how much of a tom boy I am, I just like to look good doing it. I'm still laughing my ass off about it.

Your brother Gabriel has decided to try out for the basketball team, and his first week of practice I get this phone call from him to say "Mom come get me I need to go to the hospital". I'm like what the hell??? Gabriel says to me that he was trying to do a fancy layup and bounce the ball between his legs and brought his knee up and busted his own lip open. Two stitches later.... What a dork! Who needs comedy movies when I've got Gabriel to entertain me all the time. Oh just wait, it gets even better... The following week I get another phone call from the school saying "You need to come pick up your son he's hurt his ankle." Great. So another trip to the E.R. to find out that he fractured his growth plate in his ankle. Yep, he was playing basketball at lunch time and jumped on the ball and when he landed he came down wrong on his ankle. I told him that basketball is definitely not his sport and that I should just buy him pom pom's to be the team cheerleader!

3/1/13

I've gone to a couple of Gabriel's basketball games now and he's actually not that bad, when he's not hurting or injuring himself, LOL. I enjoy going to watch him play. He's says my mom and I embarrass him because we are always the loudest cheering for him. Oh well.

I've started a job in town and it's really kicking my ass because of the major problems I have with my back. But I'm also going to be starting a second job as a receptionist at a spa at the biggest, fanciest resort in McCall. I can't wait; it will be so much easier on my back for sure. Several years ago when I first moved to California a bunch of kids and I went out on a low tide to climb on the rocks at the beach and unfortunately your mom fell, and fell hard. I injured a couple disks in my back and have some nerve damage also, so it gives me trouble every day of my life. Bummer.

3/6/13

Happy Birthday Johnny. I can't believe your 18 now. I called your dad today because I had a complete breakdown balling my eyes out and I figured he probably was too. I was correct. I told your dad that 18 years ago we made the most beautiful baby boy. I couldn't stop crying today because I miss you so very much and my heart longs for you. I hold it in only for so long and sometimes something just sets it off and I completely loose It, it just happened to be your birthday. It seems like everything today is a reminder of you. I hold Michael and think to myself that 18 years ago it was a different baby I was holding. Then I look and see the blanket Michaels wrapped in, its your baby blanket. I've held on to your two baby blankets for all this time because I just can't let them go. I even have a teddy bear of yours that has a heartbeat. I tried to clean my house today to distract my thoughts of you and I found myself starring at all your pictures I have around the house and again I bawl. I make a cake for you every year faithfully. This year I made you a chocolate cake with a white chip frosting. One day I hope to actually be able to share it with you for a change. I was so sad today because of how much I miss you and it breaks my heart that you are not out free to enjoy this special day. Your dad told me you at least got to talk to your girlfriend. I'm glad she is standing by you. I sent you a card with the two pictures in it, I hope you got them. Ok, enough sad talk... you will have many more birthdays to come and be able to celebrate them.

3/10/13

I have been so dang busy. My sister Erin just got married yesterday and between that, working, the surgery, getting schooling started and your baby brother Michael, I haven't had time for myself even, let alone to get this letter sent out. This will be the last entry because I'm going to get this sent to you. I'm sure you may have thought I've forgotten about you, but I never could sweetie. I apologize it has taken me so long to get this letter out to you. And like I said prior, I will include pictures with the next letter ok. I know Gabriel is working on a letter to you also and I will send it out as soon as he gives it to me. I look forward to another letter from you. I love you so deeply Johnny... I am sending you the biggest hugs and a kiss. I will write again soon.

Love,

Mom

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Andrew Kruk
Who being by me duly sworn, deposed as follows.


My name is Andrew Kruk
I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

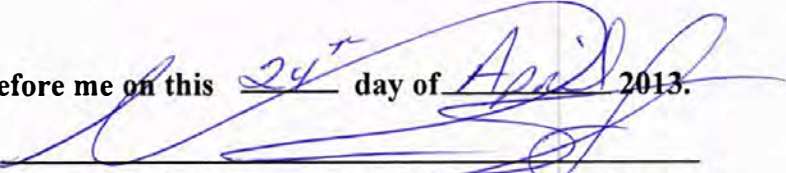
Attached here is (5) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686
Annex stay period: From 10/03/2012 to Current

These said one (5) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

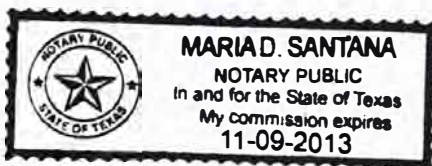
The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.


(Signature)

SWORN TO AND SUBSCRIBED before me on this 24th day of April 2013.


(Notary Public in and for the STATE OF TEXAS)

Maria D. Santana
(Print Name)



My Commission Expires: 11-09-2013

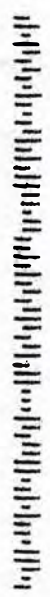
4/9/13

Jessica Hernandez
[Redacted]
New Meadows Id
83654

WCB

Juan Antonio Gonzalez
BK# 9533686
12501 Montana
El Paso, TX 79938

753368+9613



15 APR 2013 PM 12 T

BOULEVARD 530



Johnny,

Hi sweetheart. I'm sitting at my sister Erin's house right now babysitting the kids. I don't know how my sister ever keeps up with these twins. They are four years old and Kiara is nine, she helps out a lot, but boy do they have energy! Good lord I'd never keep up... One cool thing though is that at least all the cousins can grow up with one another now. Yeah, I decided not to move back to California, at least until Gabriel graduates high school here, then he can decide if he wants to move back there with us or not. I don't know, he really loves it here. I remember growing up with my cousins in Iowa. I had a really good childhood, at least until my parents divorced then it went all to hell, and still is. My family owns like 500 some acres of woodlands in Iowa and us kids lived on that land growing up. Probably why I'm a tom boy lol. We hiked, built forts, had rope swings, canoed across the pond, fished, rode dirt bikes, inter-tubed down the Raccoon River. We had a lot of fun. In the winter the pond would freeze over and we'd get the whole family out there to play ice hockey. We made our own rules though. No ice skates, and we used sticks instead of hockey sticks and it was more like tackle hockey. We'd come home with all our knees swollen and bruised. It was great! We snow tubed the hills during winter too. I've always wanted my kids to be able to grow up the way I did, on the land and with all their cousins.

Michael is so in love with his little cousin Rhett. Michael tries so hard to jabber and talk with him, it's so damn cute. He's fascinated by kids. I can't wait till he's old enough to play with them. Michael doesn't know how to crawl just yet, but he does roll everywhere to get around.

Tonight at work I'm going to be training a new guy. Funny cause I just started three weeks ago and they already have me training folks. I must be doing something right if they like me that much. I was so tired yesterday I kept starting to doze off at work. Guess that's what happens when you don't sleep for days on end. I feel pretty rested today, I got home from work this morning and slept till around 4:30 before Joshua woke me up because I had to come to town and watch my sister's kids so her and her new husband could go out on a date night.

Everyone here is sick right now. My mom and Ralph are really sick with the crud. My mom sounds like she has a toad in her throat when she talks. My sister is just getting over it and her kids all have snotty noses and coughs. They better not get me sick too. I don't have time to be sick lol.

So for more questions:

- What is your favorite movie, or favorite types of movies?
- If you could live back in any time in history, what time period would you choose to live in and why?
- What kind of things do you like to do in your spare time?
 - What are your favorite things to do?
- Do you speak Spanish fluently?
 - Read and write it too?
- Do you want to learn any other languages?

- I studied and learned Russian, but I have no use for it.
- If you could have any type of car, what kind would you choose?
 - Describe it to me

Well, I'm going to include some more pictures with this letter. I left them at home so I'm not sure which one's I will put in with this letter, but it will say who they are on the backs usually. I look forward to getting another letter from you soon. I love you with all my heart Johnny.

Love,

Mom

I will keep the photos coming
as long as you wish it. I love you
more than anything in this world

Johnny -

♡ Mom

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Andrew Kruk
Who being by me duly sworn, deposed as follows.

My name is Andrew Kruk

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (21) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

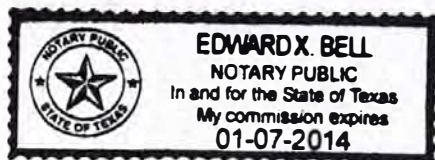
These said one (21) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

[Signature]
(Signature)

SWORN TO AND SUBSCRIBED before me on this 24th day of JAN 2013.

[Signature]
(Notary Public in and for the STATE OF TEXAS)



Edward X Bell
(Print Name)

My Commission Expires: 1-7-14

Jessica Hernandez

New Meadows, ID
83654

BOISE ID 837

17 JAN 2013 PM 2 L



1/24/13

Juan Antonio Gonzalez

BK# 9533686

El Paso County Jail Annex

13501 Montana

El Paso, TX 79938

79538+5613



1/24/13

Johnny,

Hi this is Gabe. I heard about what happened to you. I just wanted to know how you are doing. I hope you are ok. I know I don't know you but I want to change that by writing to each other. I want you to know a little bit about me. I'm in the 8th grade and my favorite sport is football. I play all of the line positions on offense, but on defense I play nose guard. My favorite color is blue. We have 4 cats and 1 dog. I was wondering if you like to read books or any kind of magazines cause mom says we can send you stuff. We have a new brother named Michael he was born on September 30. I was there when he was born it was kind of cool. He's only a month and a half now, but I think he cries too much. I can't wait till he's older and can play. Grandpa Delmot came down to see us a while ago it was fun we went shopping and I got him to go go-kart racing and laser tag with me. He won at go-kart racing, but I owned him at laser tag. On my ipod touch I have a police siren app. So after dinner with grandpa it was dark and I pulled out my ipod and played the lights and sirens and grandpa was looking out his window for the cops it was pretty funny. I hope you write me back. My mailing address is [REDACTED] new meadows, Idaho 83654

Gabriel Gonzalez

.Johnny,

12/7/12

I hope this letter finds you and brings you some measure of comfort. I can't imagine how you must be feeling. I talk to your dad every week just to make sure you are doing alright. I've been so worried about you through all of this. I wish I could come see you right now instead of writing this letter, but for now this letter will have to suffice. I will come see you as soon as I can if you want me too. I have a couple of surgeries I have to have done this month and next month though. I've not been in the best of health lately, but no worries I will get better soon enough. I am hoping that for now you and I can write back and forth to one another. No matter what your beliefs about me may be, you have always had a special place in my heart and I've longed for you for so terribly long now. Quite a long time ago for my own sanity I had to place you in God's hands, and I did so with all the faith, belief and trust that God would take care of you and keep you safe until the day we could be reunited. So that day when the sheriff came to my house and I had heard about what had happened, needless to say I literally fell to pieces on the ground crying for you and I feel as though my trust in God was broken. Not an easy thing to swallow. I was so damn angry at God, and I guess I still am. It does bring me some small relief when I talk to your dad every week that he tells me you are hanging in there and that he and your grandparents are doing the best they can for you right now.

I really hope to talk to you about our lives, you and I, how and why things came to be the way they are between us someday soon. I just don't think now is that time because I don't want to upset or burden you down any more than what you must already be in this situation. But know that if that day and time comes when you ever do want to talk about it, I will be here. I know you must have a lot of anger towards me and that's ok. But you do need to know and understand that I love you so very, very much and ALWAYS have. My heart and soul ache for you Johnny. You have no idea the amount of suffering in my heart and the sadness that I battle every single day when it comes to you. One day you will know though, whenever you're ready to talk with me about it ok.

I am currently living in New Meadows, Idaho right now. I literally live in the mountains. If I need to go shopping, I have to drive 3 hours south to Boise. I mean we do have a gas station and a small grocery store here, but any other major shopping is quite the drive down a mountainous canyon to the valley. I find serenity here in the woods though. I've never been a city girl, nor do I ever want to be again. I have all kinds of wildlife that walks right down the street. Wolves, fox, deer, even Moose occasionally. More than likely in June of next year though I will move back home to Cali, that's where my heart really is. It's in the Redwoods, way northern on the ocean, Crescent City, California in fact. I lived there for 8 years prior. It's in the Redwood forest, on the pacific coast ocean and about 10 miles to the Oregon border. Have you ever seen the Star Wars movie Return of the Jedi with the Ewoks living on the planet Endor and they're in that forest flying around on those air motorcycle looking things? Well that was filmed in Crescent City, California to give you an idea of what it looks like. It's so beautiful there. I'm sad I ever even moved away from there. I only moved to Idaho to be close to my own mom, your Mimi, unfortunately we don't get along so well. Go figure huh?

I miss hearing the ocean waves crashing at night or having beach fires and the sound of the fog horn every couple of minutes, or looking up at all the stars or hearing all the seals barking away. I love the smell of the ocean and to feel the fog on my face; it's like being kissed on the cheek. We'd always spend so much time on the beach having beach fires, making smores, and playing the guitar. Gabriel and I can build some crazy forts too out of all the driftwood that's lying around. Lots of fun and we both miss it terribly; just talking about it right now makes me home sick. It does rain there quite a lot during the winter months which is the only drawback for some people. It's not bad if you don't mind the rainy season. But, all that rain is what makes it so beautiful there. There are ferns growing everywhere and it's so green there. The weather temps are perfect in my book, it never gets below 30 degrees or hotter than 85 at it's warmest. Flip flop weather I say, people make fun of me here in Idaho because I even wear flip flops in the snow, lol. I'm a flip flop die hard! I don't tolerate the heat well at all; in fact I absolutely hate it.

My dog used to love to run on the beach and chase all the seagulls, what a dummy because he never could catch any of them. They have some of the prettiest sunsets there too. Ocean fishing is so much different than river fishing; it's a blast to be out on the ocean on a boat in open waters. You never know what kind of fish you will reel in. They have some of the best Salmon fishing there too on the rivers.

Your dad says he hasn't told you this yet but, I've been busy lately with your new half-brother Michael. He was born on September 30th of this year. I named him Michael after the angel just like I did with your brother Gabriel. Gabriel was the messenger Angel and Michael is the warrior Angel. Did you know that your dad and I picked your name (Juan Antonio, or John Anthony in English) because it meant a gift from God? You truly are a gift from God Johnny. I gave all you boys Heavenly names for a reason. I will try to send you some pictures of Gabriel and Michael if you'd like me too. He is three months old now and growing like a weed. Your brother Gabriel and you both came out with brown eyes, but Michael got my blue eyes. He is also a Blondie like your brother Gabriel. You took after your dad in his looks whereas these two have taken after my own looks. Neither of them were born with as much hair on their head as you did though. We used to call you baby Don King. You were my biggest baby in weight too. Michael was only 7 lbs. 8 oz., he seemed so darn little to me compared to when I had you. He is just now starting to smile and laugh. He has this funny thing he does in his sleep for some reason, it literally sounds like a goat. We get a huge kick out of it whenever he makes those silly noises.

I hear you are a cat lover, so am I. I am so passionate about cats. I especially love the exotic ones. In fact, I have a Bengal. A Bengal is a leopard that was breed with a housecat, so she is slightly bigger than a housecat but has the leopard markings and her coloring is that of a tiger. I will have to send you a picture of her, she is absolutely beautiful. It looks like she has heavy black eyeliner around her eyes so I named her Sheeba, like the Queen of Sheeba from Egypt. I always find quirky names for my cats. I also had an Egyptian Mau recently but just had to rehome her because my Bengal wouldn't stop fighting with her. My Sheeba is the alpha of the house. She even puts our pit bull dog in his place. Next cat I'm getting will be a Savanah. A Savanah gets larger than a dog but still has the orange and black leopard/tiger markings. Males can get as large as a German Shepard dog, how awesome is that! I have a liking for some dog breeds but much prefer felines. However, I will be getting a pure breed wolf pup here shortly.

There is a wolf sanctuary 70 miles from me and a litter was just born. I am just waiting for them to be old enough to bring one home. I told you I liked the exotic animals.

Your brother Gabriel played on the football team for his school for the first time this year. Honestly his team sucked badly, I mean badly. They lost every single game, but your brother Gabriel is a damn monster out on the field. He kicked major ass. Everybody in town has been talking about him and whether he will go pro one day. I find it funny really. He's going to sign up for basketball next month too. Should be interesting. Your brother has some amazing talents, kicking ass yes, but sports in general not so much. He is an amazing cook and can build or fix almost anything. He really does love to cook. He is actually a better cook than I am. He is and probably always will be a gamer head too. He plays Modern Warfare 3 online all the time with his clan and I get a kick out of watching him play and listening to them all talk smack on each other. Makes me laugh. Your brother has such a way about him when it comes to talking smack to people, honestly I don't know where he comes up with half the stuff that comes out of his mouth, but generally what does come out has me rolling laughing. He's something else I tell ya. Such the smart ass he is. I find it quite hilarious most of the times.

Your dad told me that they keep denying you about school. That's horrible, but don't give up ok. School is so important. I went back to school in 2005 for a short while but had to stop shortly after for a while. I am actually considering going back to college online. I'd have to do it online living where I do anyways. I found out I can actually get my Veterinarian Technician License online. Being passionate about animals the way I am I'm pretty sure that's the direction I'm going in.

I hear you like to read books. What kind of books are you interested in? I could get you some books or magazines if I knew what you were interested in. I love to read also, but I like old historical romances and my absolute favorite are vampire novels. No, not the stupid Twilight series either, lol. Christine Feehan and Susan Squires are my favorite vampire authors. They are really good books. You should check out Christine Feehan's Dark Series sometime, they're awesome reads. I have a difficult time putting the books down once I start reading them.

More than reading though, I'm a music girl. I always have been. I rarely watch t.v. I don't mind watching movies, but if they don't catch my interest within the first half hour, I'm up and moving doing something else. I have a very hard time sitting still for any length of time. Your dad and I always loved to watch the old James Cagney movies. They were old black and white movies. Anyways, I can listen to music for hours on end. I listen to just about anything BUT country. Rap, metal, screamo, oldies, spiritual, and even techno. I've always got the stereo blasting. Music is a huge, huge part of my life. I have a \$2,000 stereo system in my car too. It bumps so freaking hard, I love it. I have two amps and a 15" sub woofer and clarity tweeter speakers. I get a kick out of driving around this country bumpkin town bumping my rap music. You should see the looks I get from all these country music loving fools. Gabriel and I just laugh our heads off.

It's snowing pretty hard out tonight here. Where I live because I am so high up in elevation (5,500 ft.) we get so much snow that it literally gets so deep it touches the roofs of the house from the ground. I will have to get pictures of it to you. This is my favorite time of year to visit the local hot spring pools.

Nothing compares to the feeling of swimming in an outdoor hot spring pool in the snow. The hot spring waters are so hot that you can see the steam from the pools from a mile away. It's amazing. I always come home completely relaxed from the warm waters.

Speaking of snow, I was on the phone tonight with your dad talking when our pit bull Cooper was out front of the house unchained and unleashed which is normally not a problem, but tonight the sirens in town went off and it spooked Cooper and he took off. We had to go chasing him down, took almost an hour but it wasn't hard to track him with his footprints in the snow. I was soaking wet and freezing by the time we got home and poor Cooper was spooked out of his mind. He immediately curled up in front of the fireplace. I felt like such a dork walking in the freezing snow storm at 11pm calling for my dog with a damn flashlight. Ugh...

Gabriel is turning 14 years old. You boys are getting older much too quickly. I realized Gabriel was no longer a young child 2 years ago when I got his Christmas list and it no longer contained any requests for toys. I bawled my freaking head off. He's all about electronics, tools and has a fascination with knives. He's getting quite the knife collection now. He has some pretty cool ones for sure though. I had to laugh because on his Christmas list this year he asked for a mini fridge for his bedroom. When I asked him why the hell he wanted one, his response was it would be cool to have one in his room with drinks and snacks and he wouldn't have to wander far from his games when he was playing. What a crazy kid, or lazy kid lol.

Do you like to draw? I am just wondering if you got any part of the artist streak from me. I don't draw so well, but I am an amazing painter. I will paint anything I can get my hands on. I also make my own jewelry. I sell a lot of my pieces, sometimes I can't make things fast enough. I have a thing for rainbows too, so I collect the clear crystals and create some kind of cool wire work around them so that I can string them up with bead strands and I then hang them in my windows so that when the sun comes through the window of my house I have rainbows all over the house. It's pretty cool really. I have all different shapes and sizes of crystals. I love to make my own perfumes with oils too. People call me a hippie at heart, I find it funny really. I just love to be creative through my various artworks. One thing I'm seriously considering getting into is tattooing. I've priced the tattoo guns and accessories online, I just can't afford it right now though, but soon I think. I'm pretty sure I'd love doing that though. I have 8 tattoos myself already. I don't know that I'd personally want to get anymore myself and if I did it would only be small ones. I have a tribal tiger tattoo that goes up one whole side of my thigh. It's awesome looking and by far my favorite one that I have.

Photography is another love and passion of mine. I love to photograph nature and animals. Gabriel actually gets quite mad and irritated at me because I'm always taking his picture. I'm the boss I always tell him lol. I love to always be outdoors, I got cabin fever real bad this year because I was put on bed rest for almost five months. I went stir crazy for a while being cooped up for so long inside. This is the first year I haven't gotten to go camping. I love to go hiking up into the mountains, and I usually always have a camera with me too. Exploring outdoors is always fun and exciting to me. Nature has so much beauty and peace to it for me. The last time we went exploring in the mountains we ran into a mountain

lion and her cubs, talk about scary because they can be quite vicious when defending their cubs if they feel threatened.

Gabriel and I used to go four-wheeling on the quad all the time and he'd bring his b.b. guns along. We had a lot of fun. We'd found an awesome mud hole and would always come home caked in mud from our adventures together. We've come across some pretty remote swimming holes too. This year when the McCall Lake freezes over I think I might try ice skating again. I haven't done that since I was a little girl with my dad, your grandpa Delmott. McCall Lake is a massive crater lake here in the mountains and the town does ice skating there every year. McCall is the next town up the mountain, a resort town about 13 miles away. They are real big into skiing too. I've never personally tried it myself. Gabriel says he wants to try snowboarding this year, I figure he would love it and probably be good at it too.

I do love to play in the snow with Gabriel though. We've made some pretty awesome snow forts and then have some serious snowball battles. Sledding is also a blast. You can never be too old to go sledding in my opinion, lol. Last year the snow was real deep outside and we went over to the city park in the middle of the night and got onto the swings. We swung ourselves up real high then jumped out of the swings and would land in a huge pile of snow. It was pretty fun. We probably looked like a bunch of dorks, but who cares, we were having a good time. We got his cousins and a bunch of his friends to come out with us and we divided up into teams and had a huge snowball war, with the whole city park as the boundary lines. Insane fun that was. In the summer months they would always have air soft gun wars, I never participated in those games though, yikes!

So, I'm now getting back to writing this letter to you. I would have sent it sooner, but I had to have emergency Gallbladder surgery and needless to say it went very badly. I almost died in fact. The night after my initial surgery, I ended up back in the hospital in pain. Come to find out, the doctor who did my surgery had nicked the main artery on my liver and I had been bleeding out internally for 24 hours. I was ground transported back to Boise, 3 hours away, given two blood transfusions and rushed back into surgery. They were able to fix it, but, I have a very long, long recovery ahead of me. I spent my Christmas in the hospital. I am actually scheduled for another surgery on Jan. 21st. I am scared to death, but in a way I just want it over and done with so I can finally get better. I hate being sick all the time.

Anyways, I do hope to be able to write back and forth with you. I do look forward to hearing from you honey, more than anything else in this world. I will write to you again real soon, just remember, I will be down for a little while with this next surgery ok. I love you so much Johnny, so very much !

To write me, my address is:

Jessica Hernandez

New Meadows, Id 83654

My phone # is:

Love You!
Mom

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Raul Reyes
Who being by me duly sworn, deposed as follows.

My name is Raul Reyes

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

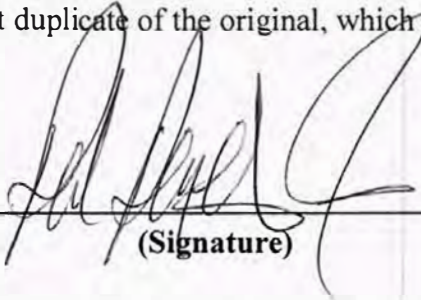
El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (3) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

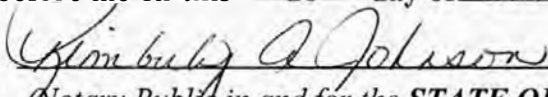
Annex stay period: From 10/03/2012 to Current

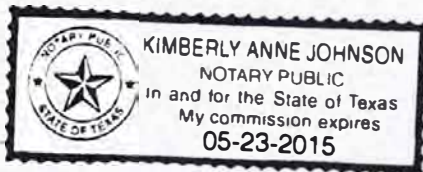
These said (3) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.


(Signature)

SWORN TO AND SUBSCRIBED before me on this 20th day of March 2014.


(Notary Public in and for the **STATE OF TEXAS**)



Kimberly Anne Johnson
(Print Name)

My Commission Expires: 05/23/2015

MAR 18 2014

Jesse Hernandez
[REDACTED]
New Meadows ID
83654

BOISE ID 837

12 MAR 2014 PM 11



0106

Juan Antonio Gonzalez
El Paso County Jail Annex
BK#9533486
12501 Montana
El Paso, TX 79938

79938+5613



3-8-14

Johnny,

How are you sweetie? HAPPY BIRTHDAY! I did not make a cake for you this year; instead, I celebrated for life by having your name along with your two brothers tattooed on my arm. It looks so sweet. I will send you a pic k.

I haven't written in a while because my life has been shall we say chaotic?!? To put it lightly I guess. So much has changed here for me. I kicked Josh out (Michael's father) because he was getting too physical and controlling. I'm too old for that shit. So its just me and your brothers now. I am dating someone and have been for a while, but that's where it stands for now...

I would like to know an update on the trial situation because your father and I had a fight and well, we are not talking. In fact he told me that I've lost you too. I sincerely hope that is not the case. You are the love of my life son.

Gabriel is in drivers ed now....holy crap! Basketball season is over and now he's taken up track. Kid stays busy huh.

I just got back from Boise today. Spent he weekend with my boyfriend. We went to see his brother play in his band called No Resolve. Then the next morning we went to an art museum and to the park for a long walk. I had absolutely the best time. I'm glad to be home now though away from the city and all the damn people...ugh. I'll be a small town girl for life!

Did the unthinkable....I got rid of my cats. The two little ones went to the shelter but my Sheeba, the Bengal now lives at my boyfriend's house which is where I spend 99% of my time anyways so I still get to see her. I couldn't have cats at home if I'm never there, it's not fair to them. Boy do I miss them though.

Well what else, Oh ya....I wrecked my car. Was sweet. Did the whole Dukes of Hazard thing in the air while your brother Mikey was yelling weeeeeee..... No one was hurt but my poor car. Landed front end gril first! I score it a 10! LOL.

I hope to hear from you soon. I never stop thinking about ya. I love you Johnny.

Mom





STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Noe Hernandez
Who being by me duly sworn, deposed as follows.

My name is Noe Hernandez

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (3) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

These said one (3) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

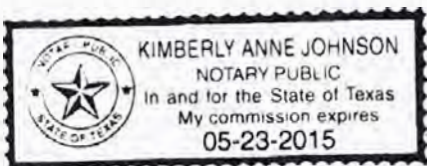
[Signature]
(Signature)

SWORN TO AND SUBSCRIBED before me on this 15 day of November 2013.

[Signature]
(Notary Public in and for the STATE OF TEXAS)

Kimberly A. Johnson
(Print Name)

My Commission Expires: 05-23-2015



Jessica Hernandez

[REDACTED]

New Meadows, ID
83454

BOISE ID 837

07 NOV 2013 PM 1 T



NOV 14 2013

Juan Antonio Gonzalez
BK# 9533686
El Paso County Jail Annex
12501 Montana
El Paso, TX 79938

79938613



11/6/13

Johnny,

Hi sweetheart. How are you doing? I hope this letter finds you well and in good spirits. I received your last letter and let Gabriel read the part about football that you wrote for him. He thought that was very cool of you. He is actually going to Boise this weekend for playoff games. I'm sure their team will take state again this year. Gabriel wants a championship ring so bad. I told him to just keep playing hard and the success will follow.

Gabriel is doing so well in school this year. I am so damn proud of him. I checked his grades last week and so far he has straight A's and B's. Aliens must have taken my son away and replaced him with this version of Gabe. LOL. Just kidding. I pressed him all summer on the fact and importance of his grades from this year on because now his grades count and will also stay with his record from now on and forward. He wants to play college ball but he's not sure what career path he wants to move towards yet. I told him to just keep his grades up and that allows the door to anything to open up and be available to him. He has a few years to decide anyways.

I hear your doing some schooling as well. You have no idea how happy that makes me for you Johnny. I'm sure it is easy work, but important none the less. ☺

I'm putting together more pictures for you and will get them printed off and sent in probably the next letter ok. Baby Michael has grown so fast! My sister Erin gave him his first haircut this weekend. Now he looks like a little boy instead of so babyish. He is walking very well now and of course climbs on everything. He's picking up on a lot of words too. It's very cute. We went and spent the day at my mom's (Mimi) and she has a humongous Newfoundland dog that is massive and very tall. Anyways, Michael was so cute because he kept pointing at her dog and calling it a kitty. Made me laugh. Michael does so many things that remind me of you when you were little. He even does the same little dance move you used to do.

We had our first snow storm of the year. I love the snow, but I miss wearing my flip flop sandals. I will be a flip flop sandal diehard for life. People tease me because that's usually all I wear, rain or shine. That's the hippie side of me. Seems like we went straight from summer to winter with no fall season in between this year. I'm pretty sure we are going to have a hard winter this year with lots of snow. The last two years we've had a lot of snow, but nothing compared to our normal winters. The snowmobilers should be happy this year. The bad part for me is that because of the hours I work at my job (11pm to 7am) I get to drive on the roads up and down the canyon when they are at their worst. I've already hit a couple patches of black ice on the roads. Scary...

I bought a new kitty. ☺ ☺ ☺... She is a 4 month old silver point Siamese. She is so beautiful and very loving. Another little snuggler like my Julius is. Cats make me so happy and I love them so very much. They can cheer me up when no one or nothing else can. My Julius tries to beat her up sometimes though, and I know it's because of jealousy. Hopefully he will grow out of that shit soon and get used to her. For the most part they get along until she is curled up on my lap in Julius's spot, that's when all hell

breaks loose. Gotta love em though! I named my new little girl Cleopatra, Cleo for short. So now I have 3, two females and 1 male. Julius, Sheeba and now Cleopatra. I also have 2 outside feral cats that I care for too since no one else gives a crap about them. I feel bad though because I cannot let them in the house during this cold winter weather because of Julius. Julius is my male and he is every inch a tom cat and possessive of not only me, but of his territory.

I dyed my hair a shade of brown. My sister Erin is a hairstylist and does my hair for me, thank God because I could never afford to do the up keep otherwise. I've never had dark hair, or anything other than blonde my whole life and I just wanted something dramatic and different. It's actually not that dark of a color and I still have bright blonde streaks all through it. But, it is still a bit of a shock to me whenever I look at myself in a mirror. The darker color sure makes my blue eyes really stand out now. I really like it and everyone else keeps complimenting me on how beautiful it is. You and your dad have the dark hair while Gabriel, Michael and I have the blonde hair. Gabriel's hair is very weird though because he was born a "toe head", also known as bleach blonde in color, but over the last few years his hair has turned dark, it's now a brown color in fact. I never understood how hair can change colors like that, but his sure did. You, your dad and Gabriel all have the dark eye color too while Michael and I ended up with the blues.

So are you getting along in there ok? I know you say you do things and interact with folks, but that has got to be so hard on you emotionally sweetie. If you ever need to talk about things or anything in general, you can always correspond with me, dump it on me or if you ever need to just vent your frustrations, know that I am here for you ok honey. I know writing about things is not always ideal compared to being able to sit down and talk to someone, but I will always be here for you.

My mom is doing better after her open heart surgery. The doc says her heart looks great now, however part of her right lung has collapsed and she is having trouble with her diaphragm also. She runs out of breath even just trying to talk. It makes me so sad because there is nothing really that I can do to help her with that. I wish there was something more I could do for her, but there just isn't. It's just going to take her a long, long time to recover fully.

I went to the doctor yesterday because I have been suffering from these terrible headaches lately. It's a hereditary situation though. Grandma Marker, my mom and I all have these growths, or bumps, that are on our heads. Both my grandmother and mom have had a couple of them removed, and now the doctor is going to remove two of them off my head next week. He says that they are a cyst of some kind and he's not sure what causes them to form, but that if he removes the two bigger ones that I have, it should stop my headaches. They are only the size of a quarter, but because they are growing a little, they are increasing the pressure on my scalp and brain, therefore causing the pain I'm having. It is supposed to be an in and out procedure at least. I hope none of you boys ever get them. It seems to just be the women in the family so far. Jeez, I might as well rent a room at the doctor's office I'm there so often!

I've been talking to my biological brother also named Michael, lately. We only talk back and forth on Facebook but we are getting to know one another. He seems like a very cool guy. I wish I could meet him in person one of these days. I'm sure we will one day. He lives in Utah, not too far away. My

biological father (Lynn Griffin) will not have anything to do with me because he cheated on his wife way back in the day with my mom and then she got pregnant with me and they broke the relationship off and he went back to his wife and his other children. Lynn's wife never knew of the affair and still doesn't and that is the reason he will have nothing to do with me, in fear of the fact that she, his wife, (Judy) would find out. I think it's a crock of bullshit. I have the right to know my own father and my step siblings and they should have the same right to know me as well. It hurts my feelings so badly to know that I have this other family out there, but that I was unwanted by my own father and still am unwanted by him as an adult child of his own blood! It is not my fault that the two adults fucked up and my mom ended up pregnant. If Lynn at least had half of a decent heart, he would at least let me meet him. I yearn for that so much. According to my brother Michael, I have four sisters as well. They are all older than me by far, but I'd like to get to know them all and meet them all one day. Wishful thinking I guess. My brother Michael seems like a really cool guy. He plays guitar in a band and they're constantly on the road doing shows. He and his band play a lot for the casinos and have various night club gigs too. His band is called (Most Wanted). I have seen him play via his website on the computer, but it is nothing like seeing the real thing. Live music is always bad ass... At least my dad, (Marvin, or as you know him Grandpa Delmott) married my mom when I was a couple months old and he adopted me and gave me his last name of Delmott too. We have a so-so relationship. Growing up I was actually very close to my dad until my mom and him divorced and then things went south with our relationship. It's been getting better lately but I wish we were close like we used to be.

Are you getting nervous with January coming up and the trial starting? You dad informs me he thinks things will go pretty good, but I don't know about you, but I'm scared to death for you. I love you so much. I'm a basket case of nerves and emotions for you. I'm just glad that we've connected and are working on our relationship. It means the absolute world to me Johnny, as you do also... I have so much love for you and it has been a dream of mine a long time coming to reconnect with you sweetie. It feels as though I have waited an eternity for you. It has never been easy for me, but now that we are here my heart soars with joy. I wish so very much that I could hug you and kiss you to pieces. I will hold you tight forever. My heart longs to hold my baby boy again and to see your smile. One day this broken heart of mine will be mended and complete again with you.

I guess I should close this letter as it is 5am in the morning. I'm gathering some pictures for you and I'm going to have my mom print them up for you and then I will mail them, so be looking forward to those soon. I love you so very much Johnny... XOXOXO

Excited to hear back from you always,

Mom

Sending lots of love and hugs your way!

♡ mom

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Andrew Kruk
Who being by me duly sworn, deposed as follows.

My name is Andrew Kruk

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

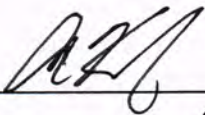
El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (6) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

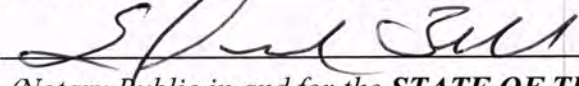
Annex stay period: From 10/03/2012 to Current

These said one (6) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

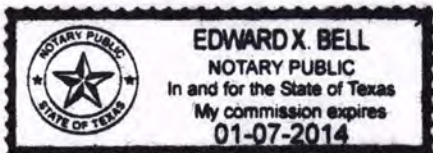
The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.


(Signature)

SWORN TO AND SUBSCRIBED before me on this 7th day of FEB. 2013.


(Notary Public in and for the STATE OF TEXAS)

Edward X Bell
(Print Name)



My Commission Expires: 1-7-14

1/31/13

GONZALEZ JUAN ANTONIO
BK# 9533686 TR# 613-B
12501 MONTANA
EL PASO, TX 79938.



JESSICA HERNANDEZ
[REDACTED]
NEW MEADOWS, ID 83654

1-28-13

DEAR JESSICA,

FIRST THINGS FIRST, WHATS HAPPENED IN THE PAST, HAS ALREADY HAPPEND, SO LETS JUST LEAVE IT AT THAT. I DONT WANNA TALK ABOUT IT, NOR DO I EVER WISH TOO. ALREADY AS IT IS IM HAVENG, MIXED FEELINGS ABOUT THIS LETTER, SO LETS NOT MAKE IT WORSE. ANYWAYS, IM NOT DOING GREAT OR BAD. IM ON THE BORDER LINE OF FEELING AIRIGHT, AND HORREBLE. BUT I CAN ONLY TAKE IT DAY BY DAY AND KEEP MY HEAD HELD HIGH. JUST SO YOU KNOW, I'LL ALWAYS WRITE BACK, I MEAN YOU ARE MY MOTHER SO I OWE YOU THAT MUCH. IM SORRY IF I SOUND RUDE, YOU JUST HAVE TO REALIZE THAT ITS HARD FOR ME. ITS BEEN A LONG TIME SINCE I LAST BEEN YOU AND YOU DIDNT EXACTLY LEAVE ON GOOD TERMS WITH ME.

ANYWAYS THERES NOT MUCH FOR ME TO SAY ABOUT THIS PLACE OR HOW THINGS ARE DOING BUT I'LL TRY. IVE ONLY RECENTLY STARTED PLAYING CHESS, BUT IVE BECOME QUITE GOOD AT IT. IN FACT IVE EVEN SURPASSED THE GUY WHO TAUGHT ME HOW TO PLAY. IVE ALSO BEEN PLAYING CARDS, BUT THERE'S SO MANY GAMES THAT I COULDNT POSSIBLY MASTER THEM ALL. I SPEND ALOT OF MY TIME READING. MY FAVORITES SO FAR, ARE DEAN KOONTZ, IRIS JOHANSEN, AND JOHN GRISHAM. BUT THE THINGS THAT REALY CATCH MY INTREST IS ANYTHING INVOLVING CONSPIRACIES AND THE ILLUMINATTI. OTHER THAN THAT THOUGH I FOCUS MY TIME WORKING OUT. IT HELPS RELIEVE STRESS, AND TIME FLY'S WHILE

IM WORKING OUT. IN ADDITION AT LEAST IM PERFECTING MY BODY.
IN FACT ANOTHER THING THAT IM TRYING TO DO IS PERFECT MY MIND.
BUT ITS DIFFICULT SINCE I CANT CONTINUE MY SCHOOLING. I WANTED
TO GET MY G.E.D SO WHEN I GET OUT I CAN JUMP RIGHT INTO
COLLEGE AND START STUDYING TO BE A VETINARIAN. MY DAD TELLS
ME THAT THATS WHAT YOU PLAN ON STUDYING ALSO. WHAT A SURPRISE HUH?
ANYWAYS, IVE ALWAYS HAD A PASSION FOR ANIMALS, I GUESS ITS THE
AFFECTION THAT I LOVE MOST. I USED TO ALWAYS WALK THE ALLEYS IN MY
NEIBORHOOD CATCHING KITTENS, AND TAKING THEM HOME. THAT USED TO
REALLY FUSTRATE MY DAD. SOMEDAY WHEN I GET OLDER I WANT
A PET MONKEY. I DONT KNOW WHY BUT, MONKEYS HAVE ALWAYS BEEN
MY FAVORITE ANIMAL.

AS FOR MUSIC, I LISTEN TO RAP, ROCK, AND ANYTHING WITH A GOOD
BEAT. BUT I TAKE PRIDE IN MY PERSONAL MUSIC COLLECTION, I
LISTEN TO ALOT OF UNDERGROUND. YOU MIGHT WANNA GIVE THESE
GUYS A LISTEN. JAIME XX, NOSAJ THING, GIL SCOTT HERRON (IDK IF THATS
HIS LAST NAME OR NOT, ITS BEEN AWHILE NOW) AND K'NAW - TAKE A
MINUTE. IN FACT THERES A WEBSITE CALLED DIAYLIST.COM, AND
SINCE ITS NOT UP TO DATE ANYMORE YOU SHOULD GIVE IT A LOOK
INTO. MY EMAIL IS LILMURSTER@HOTMAIL.COM AND MY PASSWORD
IS AFRO NINJA 1. DONT ASK, MY PASSWORD IS OLD, REALLY OLD.
AT LEAST I THINK THATS MY INFO, IT HAS BEEN 4 MONTHS NOW.
WHEN IT COMES TO DRAWING I STINK. EVERY ONCE IN
A WHILE ILL TRY TO DRAW SOMETHING BUT MOST THE TIME
I DONT EVEN BOTHER TO TRY.

ANYWAYS, IT SEEMS LIKE YOU BEEN ENJOYING YOURSELF. YOU HAVE ALOT TO TALK ABOUT. BUT IT SURE DOES SOUND FUN.

I'VE NEVER BEEN A HUGE FAN OF RELIGION, BUT I DO BELIEVE THERE'S A GOD, AND YOU CAN'T BE ANGRY AT HIM. HE DID HIS FOR A REASON. GOD WORKS IN MYSTERIOUS WAYS.

AS FOR THE BOOKS SAVE YOUR MONEY, MY DAD BOUGHT ME BOOK A MONTH AGO BUT THESE GUARDS DON'T GIVE THEM TO ME. SO YOU WOULD JUST BE WASTING YOUR MONEY. BUT IF YOU REALLY WANT TOO, THERES THREE BOOKS THAT I REALLY WANT BUT CAN'T HAVE IN HERE. THE 48 LAWS OF POWER, THE 38 STRATAGIES OF WAR, AND THE ART OF DEDUCTION. I WANNA READ THEM BUT I HAVE TO WAIT TILL I GO HOME TO READ THEM.

I HOPE YOUR SURGARIES WENT WELL. AND GET WELL SOON. TILL NEXT TIME GOODBYE.

- Johnny Gonzalez

PS (SORRY MY LETTER IS OUT OF ORDER, I'M NOT VERY GOOD AT WRITTING. I'LL DO BETTER NEXT TIME. PROMISE.)

HEY GABE.

I'M DOING FINE AND WHAT ABOUT YOU? I WOULD LIKE TO GET TO KNOW YOU BETTER ALSO. I'VE MISSED YOU ALOT! YOU ARE MY ONLY BROTHER, AND I'VE ALWAYS WANTED TO TALK TO YOU!

WELL LET ME TELL YOU A LITTLE ABOUT ME. I WAS IN 11TH GRADE, BUT I WAS A YEAR BEHIND. SO I SHOULD'VE BEEN IN 12TH. I ALSO LOVE TO PLAY FOOTBALL, I WAS A IRON MAN. I DONT KNOW IF YOU KNOW WHAT THAT IS, BUT IT MEANS I PLAYED ON OFFENSE, DEFENSE, KICK OFF, AND KICK OFF RETURN. MY FAVORITE WAS RUNNING BACK THOUGH. I WAS A BEAST. YOUR MOM TELLS ME, YOU WERE A BEAST ON THE FIELD TO. MUST RUN IN THE FAMILY. MY FAVORITE COLOR IS PURP. AND NE'VE HAD TO MANY ANIMALS TO COUNT. BUT WE HAVE 4 CHIHUAHUAS (I DONT LIKE CHIHUAHUAS BUT I CAN PUT UP WITH THESE ONES) TWO PITBULLS, 1 RED NOSE, AND ONE BLUE NOSE. AND FINALLY A AMERICAN BULL DOG. BUT I WANT ANOTHER FERRET. THERE FUN TO PLAY WITH.

YOUR MOM ALSO TELLS ME YOU LIKE TO PLAY GAMES. DO YOU HAVE A X-BOX 360 OR A PS3? I HAVE A PS3. AND WHEN I GET OUT IT WOULD BE COOL TO PLAY ONLINE TOGETHER. YOUR MOM SAYS YOU PLAY MODERN WARFARE 3. I LIKE BLACK OPS MORE AND I CANT WAIT TO PLAY BLACK OPS 2. I WAS A BEAST PEOPLE THOUGHT I WAS A HACKER CUZ I HAD A 8.53 KDR 101. BUT I MOSTLY QUICKSCOPE AND TRICK

SHOT NOW. IN FACT THIS CLAN I WAS PLAYING
WITH HAS SOME VIDEOS ON YOUTUBE. CHECK IT OUT. THEY
RE CALLED NOOB-SQUAD. MY NAME WAS ACE-COID BUT I
HAVE LIKE TEN ACCOUNTS LOL.

ANYWAYS I MISS GRANDPA DELMOT BUT WE DONT TALK
AS MUCH AS I WOULD LIKE TO. I HAVENT SEEN HIM
IN A LONG TIME NOW.

WELL MY HAND IS KILLING ME SO IMA STOP, TILL NEXT
TIME. JUST KNOW THAT I MISS ³ LOVE YOU.

YOUR BRO,

Johnny Gonzalez

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Andrew Kruk
Who being by me duly sworn, deposed as follows.

My name is Andrew Kruk
I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (7) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

These said one (7) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

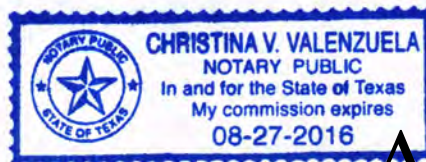
[Signature]
(Signature)

SWORN TO AND SUBSCRIBED before me on this 21st day of March 2013.

[Signature]
(Notary Public in and for the **STATE OF TEXAS**)

Christina V. Valenzuela
(Print Name)

My Commission Expires: 8-27-2016



Appendix I

duany escobar
Austin, TX 78703

AUSTIN TX 787
RIO GRANDE DISTRICT
12 MAR 2013 PM 2 L



16/38

perpete 2

Johany Gonzalez
BK # 9533686
12501 Montana

El Paso, TX 79938
799389613

①

3/18/13

3/12/2013

Dear Johnny, its been a while since you wrote to me. I hope you are doing as well as can be expected. I just wanted to write to you to let you know that I think of you a lot and of your dad and grandparents. You are loved and kept in everyone's prayers everyday.

I guess thats all I wanted to tell you. Please stay strong and aware of your surroundings.

I have enclosed a picture of your grandpa (my tio EFren) during his days in the army. He looks so much like your great grandfather Brisio!

love, your primo,

Danny Armendariz



MAY

67

C

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Abel Orozco
Who being by me duly sworn, deposed as follows.

My name is Abel Orozco

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (1) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

These said one (1) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

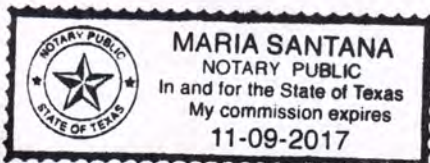
The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

(Signature)

SWORN TO AND SUBSCRIBED before me on this 10th day of April 2014.

(Notary Public in and for the STATE OF TEXAS)

(Print Name)



My Commission Expires: 11-09-2017

Gonzalez Juan
Bk # 9533686
12501 MONTANA
E1 PASO TX 79938

MAR 28 2014

PATRICIA GONZALEZ
[REDACTED]
ROWLAND HTS., CA 91748



HEY NESSA,

HOW ARE YOU DORK? FIRST TELL YOUR GRANDMA THANK YOU FOR WISHING ME A HAPPY BIRTHDAY.

ANYWAYS SO HOWS COLLEGE GOING? A-B HONOR ROLL OR WHAT? HOW DOES THE GRADE SYSTEM WORK IN COLLEGE.

ANYWAYS I WANNA SEE THAT PICTURE OF YOUR TATTOO. AND EVENTUALLY WHEN I GET OUT ILL WATCH THAT VIDEO, SO I CAN LAUGH AND MAKE FUN OF YOU. WELL AS FOR ME ON ~~MY~~ MY SPINE I WANT "SI JAS PACEM PARA BELLUM" BUT^{IN} JAPANESE. AND THATS TRANSLATED INTO "IF YOU WISH FOR PEACE, PREPARE FOR WAR ON MY CHEST I WANT "LOYALTY BEFORE ROYALTY". ON MY RIBS A CHERRY BLOSSOM TREE. AND A SIEVE ON MY LEFT ARM. :P

ANYWAYS I WAS GETTING TRANSFERRED FOR A ILL WHILE. BUT IM BACK IN A TANK AND SETTLED. IT SUCKED BUT WHATEVER.

SO WHATS UP WITH YOU? WHATS NEW NESSA? I GOT COURT IN THE MORNING, SO NIGHT DORK

LOVE YOU

JOHNNY

HEY TIA,

WELL FIRST OF ALL THANK YOU, IT WASNT MUCH OF A BIRTHDAY IN HERE, BUT THANK YOU ANYWAYS, WELL I DID GET A BOOK ITS CALLED THE RESISTANCE MANIFESTO. IF THATS IT, THEN YES I RECEIVED IT. ITS A REALLY INTERESTING BOOK, VERY INFORMATIVE, DID YOU TAKE A LOOK AT THE BOOK. ITS ABOUT THE GOVERNMENT AND CONSPIRACYS.

ANYWAYS HOW HAVE YOU BEEN? IVE BEEN AIRIGHT THEY MOVED ME AROUND A LITTLE BIT, THEY SENT ME TO COUNTY, THEN RIGHT BACK TO THE ANNEX, SO NOW IM IN 2-15, INSTEAD OF 1-10. IT MESSED UP MY VISITATION, BUT MY GRANDFATHER FIGURED IT OUT. SO ITS ALL BACK TO NORMAL NOW.

WELL I HOPE YOUR ALL DOING GREAT. I MISS YOU ALL SO MUCH. MY TRIAL IS COMING UP SOON, SO HOPEFULLY ILL BE WITH YOU GUYS SOON

ANYWAYS I GOT COURT TOMMORROW SO IMA GO TO SLEEP. GOODNIGHT, TAKE CARE TIA, I LOVE YOU.

-JOHNNY.

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Abel Orozco
Who being by me duly sworn, deposed as follows.

My name is Abel Orozco

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (6) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

Annex stay period: From 10/03/2012 to Current

These said one (4) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

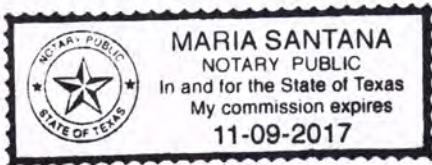
The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

(Signature)

SWORN TO AND SUBSCRIBED before me on this 3rd day of April 2014.

(Notary Public in and for the STATE OF TEXAS)

(Print Name)



My Commission Expires: 11-09-2017

APR 01 2014

Danny Arrendariz

Avista, TX 78703

2/11

Juan Antonio Gonzalez
BK #: 9533686

El Paso County Jail Annex
Annex Detention Facility

12501 E. Montana

75308961001
El Paso, TX 79905

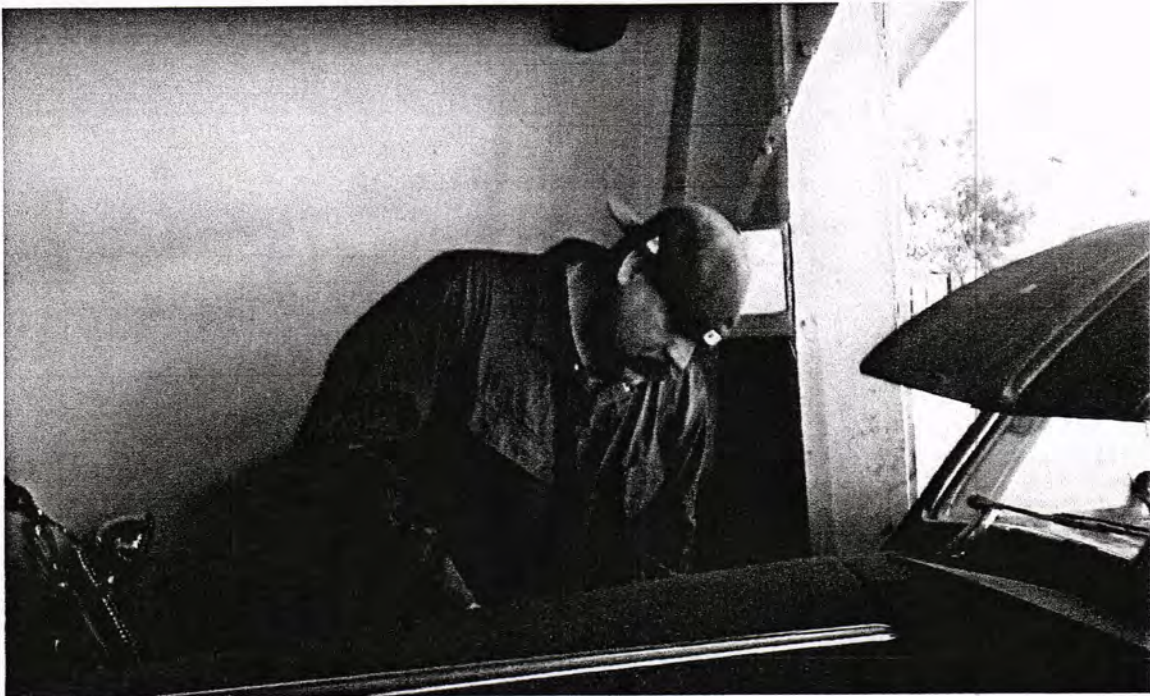


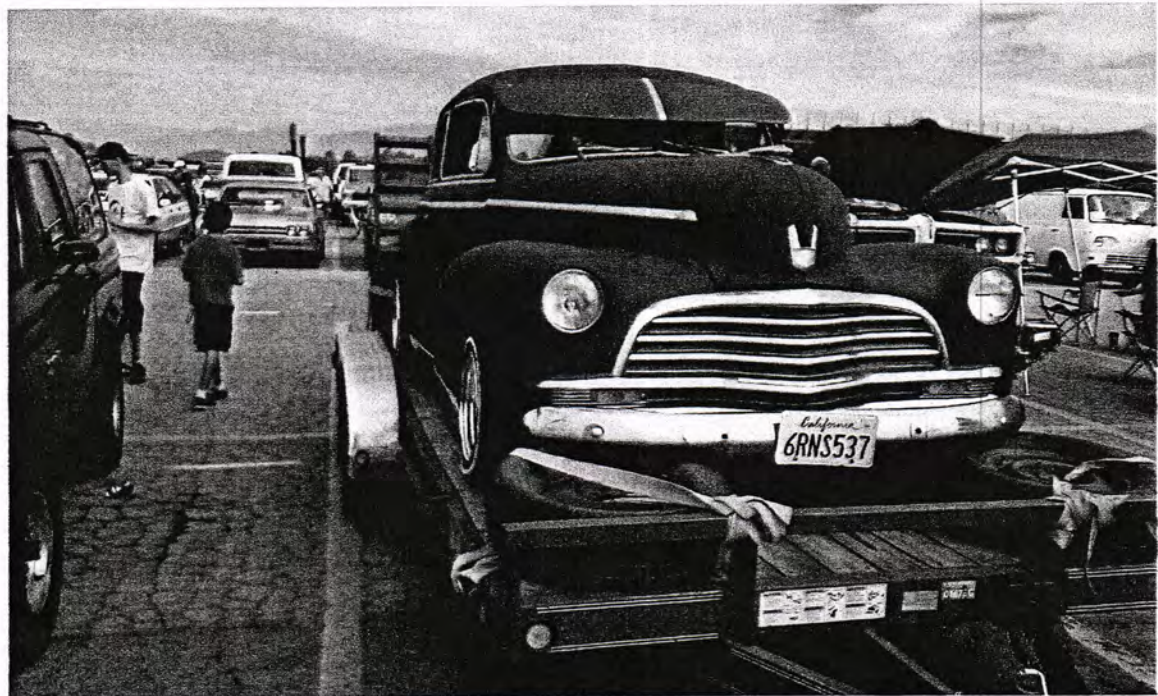
AUSTIN TX
RIO GRANDE DIST
28 MAR 2014 PM

March 27, 2014

Johnny, a couple months ago I sent to you a book off my shelf. It was a book of short stories by the poet that wrote the enclosed short story. The jail folks sent it back to me, along with a form stating that I could not send you personal books. That if I wanted to send you a book, I would have to buy it and have it sent directly from the book seller. So, I'm working on that but in the mean time, I have enclosed one of my favorite short stories by Bukowski.

It's been some time since I last wrote. I haven't heard from you in a while. I hear that you have a trial date coming up. I have spoken to your grandpa, my uncle Efren. He retired recently. Your Tio Freddy (in California) sends me pictures of his car restoration projects. I enjoy receiving them because I use to have a 57 Chevy 2-door hard-top Bel Air when I was younger. Here are a few pics from Freddy:







Well, my mom (your Tia Carmen) and my whole family are praying for you and keeping you in our thoughts and hearts. Johnny, please let me know if you need anything. I will try to help you as much as I can from my home in Austin.

Stay low and safe.

Your primo,

Danny.

Short Story

By: Charles Bukowski

To pacify Lydia I agreed to go to Muleshead, Utah. Her sister was camping in the mountains. The sisters actually owned much of the land. It had been inherited from their father. Glendoline, one of the sisters, had a tent pitched in the woods. She was writing a novel, *The Wild Woman of the Mountains*. The other sisters were to arrive any day. Lydia and I arrived first. We had a pup tent. We squeezed in there the first night and the mosquitoes squeezed in with us. It was terrible.

The next morning we sat around the campfire. Glendoline and Lydia cooked breakfast. I had purchased \$40 worth of groceries which included several 6-packs of beer. I had them cooling in a mountain spring. We finished breakfast. I helped with the dishes and then Glendoline brought out her novel and read to us. It wasn't really bad, but it was very unprofessional and needed a lot of polishing. Glendoline presumed that the reader was as fascinated by her life as she was-which was a deadly mistake. The other deadly mistakes she had made were too numerous to mention.

I walked to the spring and came back with 3 bottles of beer. The girls said no, they didn't want any. They were very anti-beer. We discussed Glendoline's novel. I figured that anybody who would read their novel aloud to others had to be suspect. If that wasn't the old kiss of death, nothing was.

The conversation shifted and the girls started chatting about men, parties, dancing, and sex. Glendoline had a high, excited voice, and laughed nervously, laughed constantly. She was in her mid-forties, quite fat and very sloppy. Besides that, just like me, she was simply ugly.

Glendoline must have talked non-stop for over an hour, entirely about sex. I began to get dizzy. She waved her arms over her head, "I'M THE WILD WOMAN OF THE MOUNTAINS! O WHERE O WHERE IS THE MAN, THE REAL MAN WITH THE COURAGE TO TAKE ME?"

Well, he's certainly not here, I thought.

I looked at Lydia. "Let's go for a walk."

"No," she said, "I want to read this book." It was called *Love and*

Orgasm: A Revolutionary Guide to Sexual Fulfillment. "All right," I said, "I'll take a walk then."

I walked up to the mountain spring. I reached in for another beer, opened it and sat there drinking. I was trapped in the mountains and woods with two crazy women. They took all the joy out of fucking by talking about it all the time. I liked to fuck too, but it wasn't my religion. There were too many ridiculous and tragic things about it. People didn't seem to know how to handle it. So they made a toy out of it. A toy that destroyed people.

The main thing, I decided, was to find the right woman. But how? I had a red notebook and a pen with me. I scribbled a meditative poem into it. Then I walked up to the lake. Vance Pastures, the place was called. The sisters owned most of it. I had to take a shit. I took off my pants and squatted in the brush with the flies and the mosquitoes. I'd take the conveniences of the city any time. I had to wipe with leaves. I walked over to the lake and stuck one foot in the water. It was ice cold.

Be a man, old man. Enter.

My skin was ivory white. I felt very old, very soft. I moved out into the ice water. I went in up to my waist, then I took a deep breath and leaped forward. I was all the way in! The mud swirled up from the bottom and got into my ears, my mouth, my hair. I stood there in the muddy water, my teeth chattering.

I waited a long time for the water to settle and clear. Then I walked back out. I got dressed and made my way along the edge of the lake. When I got to the end of the lake I heard a sound like that of a waterfall. I went into a forest, moving toward the sound. I had to climb around some rocks across a gully. The sound came closer and closer. The flies and mosquitoes swarmed all over me. The flies were large and angry and hungry, much larger than city flies, and they knew a meal when they saw one.

I pushed my way through some thick brush and there it was: my first real honest-to-Christ waterfall. The water just poured down the mountain and over a rocky ledge. It was beautiful. It kept coming and coming. That water was coming from somewhere. And it was running off somewhere. There were 3 or 4 streams that probably led to the lake.

Finally I got tired of watching it and decided to go back. I also decided to take a different route back, a shortcut. I worked my way down to the opposite side of the lake

and cut off toward camp. I knew about where it was. I still had my red notebook. I stopped and wrote another poem, less meditative, then I went on. I kept walking. The camp didn't appear. I walked some more. I looked around for the lake. I couldn't find the lake, I didn't know where it was. Suddenly it hit me: I was LOST. Those horny sex bitches had driven me out of my mind and now I was LOST. I looked around. There was the backdrop of mountains and all around me were trees and brush. There was no center, no starting point, no connection between anything. I felt fear, real fear. Why had I let them take me out of my city, my Los Angeles? A man could call a cab there, he could telephone. There were reasonable solutions to reasonable problems.

Vance Pastures stretched out around me for miles and miles. I threw away my red notebook. What a way for a writer to die! I could see it in the newspaper:

HENRY CHINASKI, MINOR

POET, FOUND DEAD IN

UTAH WOODS

Henry Chinaski, former post office clerk turned writer, was found in a decomposed state yesterday afternoon by forest ranger W. K. Brooks Jr. Also found near the remains was a small red notebook which evidently contained Mr. Chinaski's last written work.

I walked on. Soon I was in a soggy area full of water. Every now and then one of my legs would sink to the knee in the bog and I'd have to haul myself out.

I came to a barbed wire fence. I knew immediately that I shouldn't climb the fence. I knew that it was the wrong thing to do, but there seemed no alternative. I climbed over the fence and stood there, cupped both hands around my mouth and screamed: "LYDIA!"

There was no answer.

I tried it again: "LYDIA!"

My voice sounded very mournful. The voice of a coward.

I moved on. It would be nice, I thought, to be back with the sisters, hearing them laugh about sex and men and dancing and parties. It would be so nice to hear Glendoline's voice. It would be nice to run my hand through Lydia's long hair. I'd faithfully take her to every party in town. I'd even dance with all the women and make brilliant jokes about everything. I'd endure all that subnormal driveling shit with a smile. I could almost hear myself. "Hey, that's a great dance tune! Who wants to really go? Who wants to boogie on out?"

I kept walking through the bog. Finally I reached dry land. I got to a road. It was just an old dirt road, but it looked good. I could see tire marks, hoof prints. There were even wires overhead that carried electricity somewhere. All I had to do was follow those wires. I walked along the road. The sun was high in the sky, it must have been noon. I walked along feeling foolish.

I came to a locked gate across the road. What did that mean? There was a small entry at one side of the gate. Evidently the gate was a cattle guard. But where were the cattle? Where was the owner of the cattle? Maybe he only came around every six months.

The top of my head began to ache. I reached up and felt where I had been blackjacked in a Philadelphia bar 30 years before. Some scar tissue remained. Now the scar tissue, baked by the sun, was swollen. It stood up like a small horn. I broke a piece off and threw it in the road.

I walked another hour, then decided to turn back. It meant having to walk all the way back yet I felt it was the thing to do. I took my shirt off and draped it over my head. I stopped once or twice and screamed, "LYDIA!" There was no reply.

Some time later I got back to the gate. All I had to do was walk around it but there was something in the way. It stood in front of the gate, about 15 feet from me. It was a small doe, a fawn, a something.

I moved slowly toward it. It didn't budge. Was it going to let me by? It didn't seem to fear me. I guessed it sensed my confusion, my cowardice. I approached closer and closer. It wouldn't get out of the way. It had large beautiful brown eyes, more beautiful than the eyes of any woman I had ever seen. I couldn't believe it. I was within 3 feet of it, ready to back off, when it bolted. It ran off the road and into the woods. It was in excellent shape; it could really run.

As I walked further along the road I heard the sound of running water. I needed water. You couldn't live very long without water. I left the road and moved toward the sound of rushing water. There was a little hill covered with grass and as I topped the hill there it was: water spilling out of several cement pipes in the face of a dam and into some kind of reservoir. I sat down at the edge of the reservoir and took off my shoes and stockings, pulled up my pants, and stuck my legs into the water. Then I poured water over my head. Then I drank-but not too much or too fast-just like I'd seen it done in the movies.

After recovering a bit I noticed a pier that went out over the reservoir. I walked out on the pier and came to a large metal box bolted to the side of the pier. It was locked with a padlock. There was probably a telephone in there! I could phone for help!

I went and found a large rock and started smashing it against the lock. It wouldn't give. What the hell would Jack London do? What would Hemingway do? Jean Genet?

I kept smashing the rock against the lock. Sometimes I missed and my hand hit the lock or the metal box itself. Skin ripped, blood flowed. I gathered myself and gave the lock one final blow. It opened. I took it off and opened the metal box. There was no telephone. There were a series of switches and some heavy cables. I reached in, touched a wire, and got a terrible shock. Then I pulled a switch. I heard the roar of water. Out of 3 or 4 of the holes in the concrete face of the dam shot giant white jets of water. I pulled another switch. Three or four other holes opened up, releasing tons of water. I pulled a third switch and the whole dam let loose. I stood and watched the water pouring forth. Maybe I could start a flood and cowboys would come on horses or in rugged little pickup trucks to rescue me. I could see the headline:

HENRY CHINASKI, MINOR POET, FLOODS UTAH COUNTRYSIDE IN ORDER TO SAVE HIS SOFT LOS ANGELES ASS.

I decided against it. I threw all the switches back to normal, closed the metal box, and hung the broken lock back on it.

I left the reservoir, found another road up the way, and began following it. This road seemed more used than the other. I walked along. I had never been so tired. I could hardly see. Suddenly there was a little girl about 5 years old walking towards me. She wore a little blue dress and white shoes. She looked frightened when she saw me. I tried to look pleasant and friendly as I edged towards her.

"Little girl, don't go away. I won't hurt you. I'M LOST! Where are your parents? Little girl, take me to your parents!"

The little girl pointed. I saw a trailer and a car parked up ahead. "HEY, I'm LOST!" I shouted. "CHRIST, AM I GLAD TO SEE YOU."

Lydia stepped around the side of the trailer. Her hair was done up in red curlers. "Come on, city boy," she said. "Follow me home."

"I'm so glad to see you, baby, kiss me!"

"No. Follow me."

Lydia took off running about 20 feet in front of me. It was hard keeping up.

"I asked those people if they had seen a city boy around," she called back over her shoulder. "They said, No."

"Lydia, I love you!"

"Come on! You're slow!"

"Wait, Lydia, wait!"

She vaulted over a barbed wire fence. I couldn't make it. I got tangled in the wire. I couldn't move. I was like a trapped cow. "LYDIA!"

She came back with her red curlers and started helping me get loose from the barbs. "I tracked you. I found your red notebook. You got lost deliberately because you were pissed."

"No, I got lost out of ignorance and fear. I am not a complete person-I'm a stunted city person. I am more or less a failed drizzling shit with absolutely nothing to offer."

"Christ," she said, "don't you think I know that?" She freed me from the last barb. I lurched after her. I was back with Lydia again.

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Abel Orozco
Who being by me duly sworn, deposed as follows.

My name is Abel Orozco

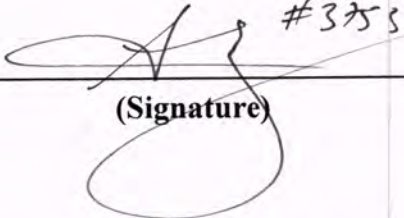
I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (3) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686
Annex stay period: From 10/03/2012 to Current

These said one (3) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

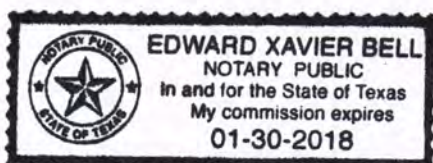
#3755

(Signature)

SWORN TO AND SUBSCRIBED before me on this 17th day of April 2014.

Edward Xavier Bell
(Notary Public in and for the STATE OF TEXAS)

Edward Xavier Bell
(Print Name)

My Commission Expires: 1-30-18

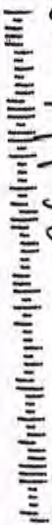


APR 11 2014

Danny Hernandez
[REDACTED]
Austin, TX 78703

211

Juan Antonio Gonzalez
BK#: 9533686
El Paso County Jail Annex
Annex Detention Facility
12501 E. Montana
El Paso, TX 79938
79938551301



AUSTIN
RIO GRANDE
08 APR 2014



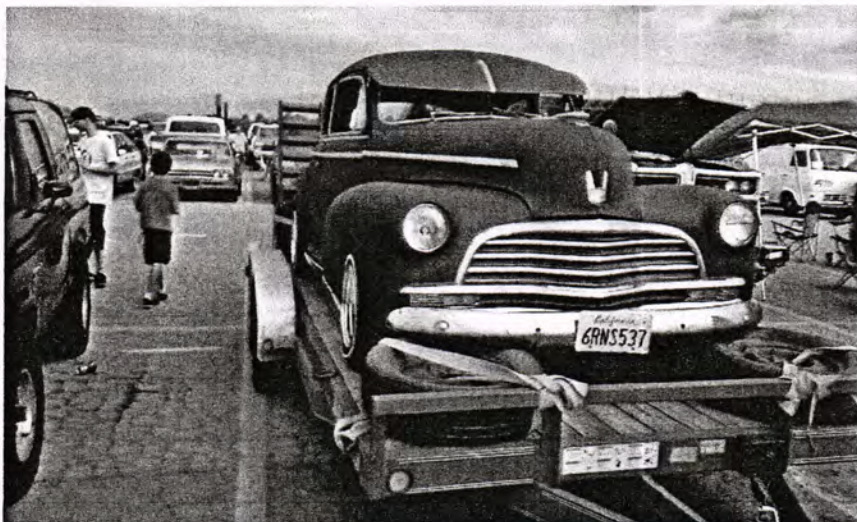
April 8, 2014

Hey Johnny. A couple of months ago I sent to you a book off my shelf at home only to find that the Jail Annex mailed it back to me. They explained that I could not mail personal books to you but that the books had to be purchased and mailed through a book seller like Barnes & Noble, etc. Anyways, the book that I wanted to send to you is called The most Beautiful Woman in Town by Charles Bukowski. Here, in this letter, I am sending to you a short story by this author.

It's been some time since I last wrote and some time since I have last heard from you. I hear that your trial date is approaching (I think, if I'm right). My Uncle Fred keeps us updated on anything that may be happening with your case. Also, Uncle Fred retired this past year. That's real good for him and my Tia Maria because they have worked so hard all their lives and deserve to have some years for their own enjoyment. Uncle Fred talks about possibly moving to California to be closer to my cousins Freddy and Eddie and their families.

Now and then primo Freddy sends me pics of these cars that he buys and then renovates and then sells (or doesn't sell). He's really good at renovating these cars and I enjoy receiving pics from him. I am going to share some pics here with you and I hope that this letter does not get rejected by the Jail Annex. I have had a few letters rejected by the Jail Annex because the pictures were bigger than the allowable 5 X 7 inches. Here are a few of Freddy's pics:





Well, my mom (your Tia Carmen) and my whole family are praying for you and think of you everyday. You are not alone and always in our hearts and minds.

Johnny, please know that if you need anything at all, please do not hesitate to contact me:

Daniel Armendariz

[REDACTED]

Austin, TX 78703

Stay low and safe.

Your primo,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, resembling a stylized 'D' or 'Danny'.

Danny

Short Story

By: Charles Bukowski

To pacify Lydia I agreed to go to Muleshead, Utah. Her sister was camping in the mountains. The sisters actually owned much of the land. It had been inherited from their father. Glendoline, one of the sisters, had a tent pitched in the woods. She was writing a novel, *The Wild Woman of the Mountains*. The other sisters were to arrive any day. Lydia and I arrived first. We had a pup tent. We squeezed in there the first night and the mosquitoes squeezed in with us. It was terrible.

The next morning we sat around the campfire. Glendoline and Lydia cooked breakfast. I had purchased \$40 worth of groceries which included several 6-packs of beer. I had them cooling in a mountain spring. We finished breakfast. I helped with the dishes and then Glendoline brought out her novel and read to us. It wasn't really bad, but it was very unprofessional and needed a lot of polishing. Glendoline presumed that the reader was as fascinated by her life as she was-which was a deadly mistake. The other deadly mistakes she had made were too numerous to mention.

I walked to the spring and came back with 3 bottles of beer. The girls said no, they didn't want any. They were very anti-beer. We discussed Glendoline's novel. I figured that anybody who would read their novel aloud to others had to be suspect. If that wasn't the old kiss of death, nothing was.

The conversation shifted and the girls started chatting about men, parties, dancing, and sex. Glendoline had a high, excited voice, and laughed nervously, laughed constantly. She was in her mid-forties, quite fat and very sloppy. Besides that, just like me, she was simply ugly.

Glendoline must have talked non-stop for over an hour, entirely about sex. I began to get dizzy. She waved her arms over her head, "I'M THE WILD WOMAN OF THE MOUNTAINS! O WHERE O WHERE IS THE MAN, THE REAL MAN WITH THE COURAGE TO TAKE ME?"

Well, he's certainly not here, I thought.

I looked at Lydia. "Let's go for a walk."

"No," she said, "I want to read this book." It was called *Love and*

Orgasm: A Revolutionary Guide to Sexual Fulfillment. "All right," I said, "I'll take a walk then."

I walked up to the mountain spring. I reached in for another beer, opened it and sat there drinking. I was trapped in the mountains and woods with two crazy women. They took all the joy out of fucking by talking about it all the time. I liked to fuck too, but it wasn't my religion. There were too many ridiculous and tragic things about it. People didn't seem to know how to handle it. So they made a toy out of it. A toy that destroyed people.

The main thing, I decided, was to find the right woman. But how? I had a red notebook and a pen with me. I scribbled a meditative poem into it. Then I walked up to the lake. Vance Pastures, the place was called. The sisters owned most of it. I had to take a shit. I took off my pants and squatted in the brush with the flies and the mosquitoes. I'd take the conveniences of the city any time. I had to wipe with leaves. I walked over to the lake and stuck one foot in the water. It was ice cold.

Be a man, old man. Enter.

My skin was ivory white. I felt very old, very soft. I moved out into the ice water. I went in up to my waist, then I took a deep breath and leaped forward. I was all the way in! The mud swirled up from the bottom and got into my ears, my mouth, my hair. I stood there in the muddy water, my teeth chattering.

I waited a long time for the water to settle and clear. Then I walked back out. I got dressed and made my way along the edge of the lake. When I got to the end of the lake I heard a sound like that of a waterfall. I went into a forest, moving toward the sound. I had to climb around some rocks across a gully. The sound came closer and closer. The flies and mosquitoes swarmed all over me. The flies were large and angry and hungry, much larger than city flies, and they knew a meal when they saw one.

I pushed my way through some thick brush and there it was: my first real honest-to-Christ waterfall. The water just poured down the mountain and over a rocky ledge. It was beautiful. It kept coming and coming. That water was coming from somewhere. And it was running off somewhere. There were 3 or 4 streams that probably led to the lake.

Finally I got tired of watching it and decided to go back. I also decided to take a different route back, a shortcut. I worked my way down to the opposite side of the lake

and cut off toward camp. I knew about where it was. I still had my red notebook. I stopped and wrote another poem, less meditative, then I went on. I kept walking. The camp didn't appear. I walked some more. I looked around for the lake. I couldn't find the lake, I didn't know where it was. Suddenly it hit me: I was LOST. Those horny sex bitches had driven me out of my mind and now I was LOST. I looked around. There was the backdrop of mountains and all around me were trees and brush. There was no center, no starting point, no connection between anything. I felt fear, real fear. Why had I let them take me out of my city, my Los Angeles? A man could call a cab there, he could telephone. There were reasonable solutions to reasonable problems.

Vance Pastures stretched out around me for miles and miles. I threw away my red notebook. What a way for a writer to die! I could see it in the newspaper:

HENRY CHINASKI, MINOR

POET, FOUND DEAD IN

UTAH WOODS

Henry Chinaski, former post office clerk turned writer, was found in a decomposed state yesterday afternoon by forest ranger W. K. Brooks Jr. Also found near the remains was a small red notebook which evidently contained Mr. Chinaski's last written work.

I walked on. Soon I was in a soggy area full of water. Every now and then one of my legs would sink to the knee in the bog and I'd have to haul myself out.

I came to a barbed wire fence. I knew immediately that I shouldn't climb the fence. I knew that it was the wrong thing to do, but there seemed no alternative. I climbed over the fence and stood there, cupped both hands around my mouth and screamed: "LYDIA!"

There was no answer.

I tried it again: "LYDIA!"

My voice sounded very mournful. The voice of a coward.

I moved on. It would be nice, I thought, to be back with the sisters, hearing them laugh about sex and men and dancing and parties. It would be so nice to hear Glendoline's voice. It would be nice to run my hand through Lydia's long hair. I'd faithfully take her to every party in town. I'd even dance with all the women and make brilliant jokes about everything. I'd endure all that subnormal driveling shit with a smile. I could almost hear myself. "Hey, that's a great dance tune! Who wants to really go? Who wants to boogie on out?"

I kept walking through the bog. Finally I reached dry land. I got to a road. It was just an old dirt road, but it looked good. I could see tire marks, hoof prints. There were even wires overhead that carried electricity somewhere. All I had to do was follow those wires. I walked along the road. The sun was high in the sky, it must have been noon. I walked along feeling foolish.

I came to a locked gate across the road. What did that mean? There was a small entry at one side of the gate. Evidently the gate was a cattle guard. But where were the cattle? Where was the owner of the cattle? Maybe he only came around every six months.

The top of my head began to ache. I reached up and felt where I had been blackjacked in a Philadelphia bar 30 years before. Some scar tissue remained. Now the scar tissue, baked by the sun, was swollen. It stood up like a small horn. I broke a piece off and threw it in the road.

I walked another hour, then decided to turn back. It meant having to walk all the way back yet I felt it was the thing to do. I took my shirt off and draped it over my head. I stopped once or twice and screamed, "LYDIA!" There was no reply.

Some time later I got back to the gate. All I had to do was walk around it but there was something in the way. It stood in front of the gate, about 15 feet from me. It was a small doe, a fawn, a something.

I moved slowly toward it. It didn't budge. Was it going to let me by? It didn't seem to fear me. I guessed it sensed my confusion, my cowardice. I approached closer and closer. It wouldn't get out of the way. It had large beautiful brown eyes, more beautiful than the eyes of any woman I had ever seen. I couldn't believe it. I was within 3 feet of it, ready to back off, when it bolted. It ran off the road and into the woods. It was in excellent shape; it could really run.

As I walked further along the road I heard the sound of running water. I needed water. You couldn't live very long without water. I left the road and moved toward the sound of rushing water. There was a little hill covered with grass and as I topped the hill there it was: water spilling out of several cement pipes in the face of a dam and into some kind of reservoir. I sat down at the edge of the reservoir and took off my shoes and stockings, pulled up my pants, and stuck my legs into the water. Then I poured water over my head. Then I drank-but not too much or too fast-just like I'd seen it done in the movies.

After recovering a bit I noticed a pier that went out over the reservoir. I walked out on the pier and came to a large metal box bolted to the side of the pier. It was locked with a padlock. There was probably a telephone in there! I could phone for help!

I went and found a large rock and started smashing it against the lock. It wouldn't give. What the hell would Jack London do? What would Hemingway do? Jean Genet?

I kept smashing the rock against the lock. Sometimes I missed and my hand hit the lock or the metal box itself. Skin ripped, blood flowed. I gathered myself and gave the lock one final blow. It opened. I took it off and opened the metal box. There was no telephone. There were a series of switches and some heavy cables. I reached in, touched a wire, and got a terrible shock. Then I pulled a switch. I heard the roar of water. Out of 3 or 4 of the holes in the concrete face of the dam shot giant white jets of water. I pulled another switch. Three or four other holes opened up, releasing tons of water. I pulled a third switch and the whole dam let loose. I stood and watched the water pouring forth. Maybe I could start a flood and cowboys would come on horses or in rugged little pickup trucks to rescue me. I could see the headline:

HENRY CHINASKI, MINOR POET, FLOODS UTAH COUNTRYSIDE IN ORDER TO SAVE HIS SOFT LOS ANGELES ASS.

I decided against it. I threw all the switches back to normal, closed the metal box, and hung the broken lock back on it.

I left the reservoir, found another road up the way, and began following it. This road seemed more used than the other. I walked along. I had never been so tired. I could hardly see. Suddenly there was a little girl about 5 years old walking towards me. She wore a little blue dress and white shoes. She looked frightened when she saw me. I tried to look pleasant and friendly as I edged towards her.

"Little girl, don't go away. I won't hurt you. I'M LOST! Where are your parents? Little girl, take me to your parents!"

The little girl pointed. I saw a trailer and a car parked up ahead. "HEY, I'm LOST!" I shouted. "CHRIST, AM I GLAD TO SEE YOU."

Lydia stepped around the side of the trailer. Her hair was done up in red curlers. "Come on, city boy," she said. "Follow me home."

"I'm so glad to see you, baby, kiss me!"

"No. Follow me."

Lydia took off running about 20 feet in front of me. It was hard keeping up.

"I asked those people if they had seen a city boy around," she called back over her shoulder. "They said, No."

"Lydia, I love you!"

"Come on! You're slow!"

"Wait, Lydia, wait!"

She vaulted over a barbed wire fence. I couldn't make it. I got tangled in the wire. I couldn't move. I was like a trapped cow. "LYDIA!"

She came back with her red curlers and started helping me get loose from the barbs. "I tracked you. I found your red notebook. You got lost deliberately because you were pissed."

"No, I got lost out of ignorance and fear. I am not a complete person-I'm a stunted city person. I am more or less a failed drizzling shit with absolutely nothing to offer."
"Christ," she said, "don't you think I know that?" She freed me from the last barb. I lurched after her. I was back with Lydia again.

STATE OF TEXAS
COUNTY OF EL PASO

AFFIDAVIT

Before me, the undersigned authority personally appeared: Andrew Kruk
Who being by me duly sworn, deposed as follows.

My name is Andrew Kruk

I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated: I am Mail Officer of:

El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here is (2) letter of record of Mail (including affidavit) of: Juan Antonio Gonzalez
Booking # 9533686

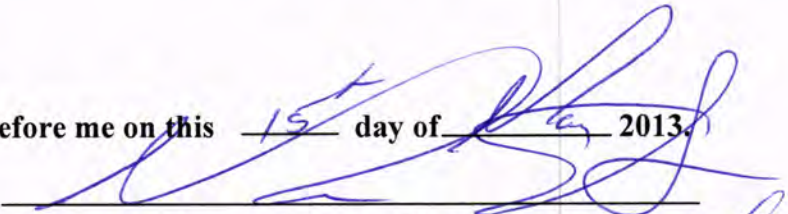
Annex stay period: From 10/03/2012 to Current

These said one (2) letter of record are kept by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded to make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter.

The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and present date noted above.

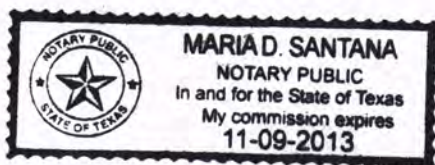

(Signature)

SWORN TO AND SUBSCRIBED before me on this 15th day of Dec 2013.


(Notary Public in and for the STATE OF TEXAS)

Maria D. Santana
(Print Name)

My Commission Expires: 11-09-2013



Danny Armenta

ARSEN, TX 78703

6/30

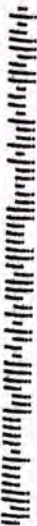
Juan Antonio Gonzalez

BK # 9533686

12501 Montana

El Paso, TX 79938

79938561301



FE007 09001 05560

0625

FOREVER

78703

03 * 13

08259642

APC



U.S. POSTAGE

5/9/2013

Johnny, thanks for your last letter and for the poem. I think it's great that your writing and reading and trying whatever you need to do to keep your mind busy. Writing can be a really powerful way to get stuff out and keep you healthy in mind and spirit. I won't try to imagine what it's been like for you over the past many months because no one can know what you are experiencing except you. Just know that you have much family out here thinking about you and praying for your safety. We're all praying for a quick resolution.

I have included a couple pictures of your Tio Freddy and the 1946 (?) Chevy Fleetline that he is currently restoring. Pretty cool. I had a 1957 Chevy Bel Air, 2 door hard top when I was younger. I ended up giving it to my older brother Ricky who tweaked it a bit. I'll try to dig up some pics on that one.

Keep writing. Keep reading. Keep busy. You are not alone primo.

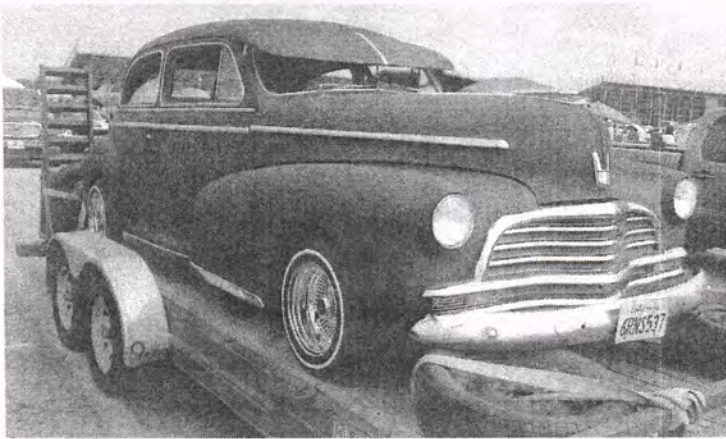
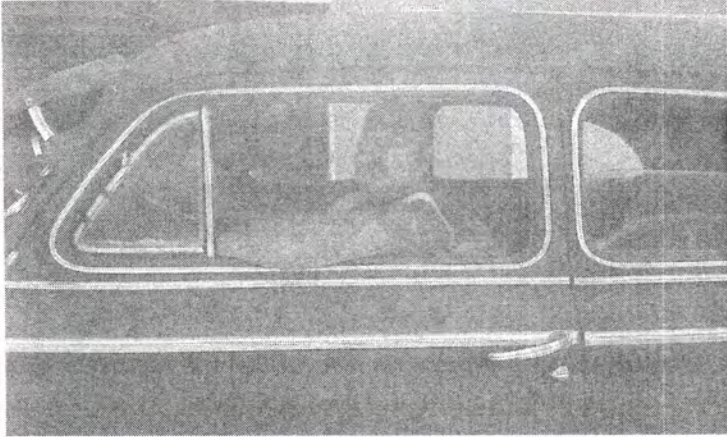
Love, your primo, Danny.

my fate

like the fox
I run with the hunted
and if I'm not
the happiest man
on earth
I'm surely the
luckiest man
alive.

(uncollected)

- charles
BUKOWSKI



AFFIDAVIT

Before me, the undersigned authority personally appeared: Raul Reyes

Who being by me duly sworn, deposed as follows.

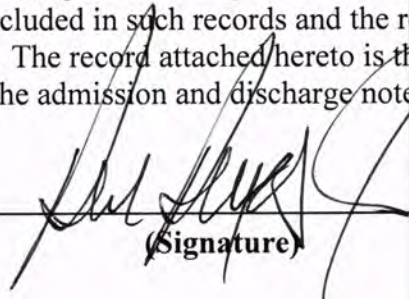
My name is Raul Reyes

I am of sound mind, capable of making this affidavit and personally acquainted with the facts stated: I am the Mail Officer of:

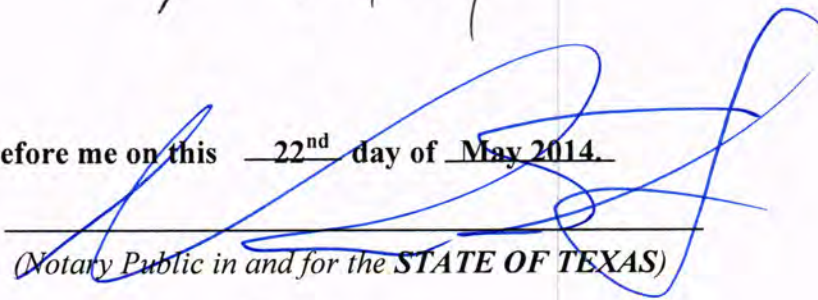
El Paso County Jail Annex 12501 Montana El Paso, Texas 79938

Attached here are (3) letters of Mail (including affidavit) of: Gonzalez, Juan Antonio
Booking #9533686
Annex stay period: From 10/09/12 to Current

These said (3) letters of records by said Jail Annex in the regular course of business, and it was the regular course of business of said Jail Annex for an employee or representative of said Jail Annex, with knowledge of the act, event, condition, opinion or diagnosis recorded. To make the record or to transmit information thereof to be included in such records and the record was made at or near the time or reasonable soon thereafter. The record attached hereto is the original or exact duplicate of the original, which pertain to the admission and discharge noted above.

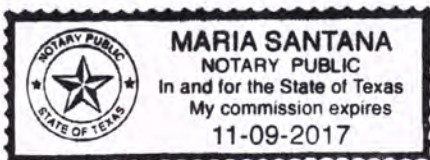

(Signature)

SWORN TO AND SUBSCRIBED before me on this 22nd day of May 2014.


(Notary Public in and for the **STATE OF TEXAS**)

Maria Santana
(Print Name)

My Commission Expires: 11/09/2017



Daniel Hernandez

Austin, TX 78703

101

MAY 20 2014

UNITED STATES POSTAL SERVICE
FIRST CLASS PERMIT NO. 1000 AUSTIN, TX
POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



Austin PDC TX 78710

SAT 17 MAY 2014 PM

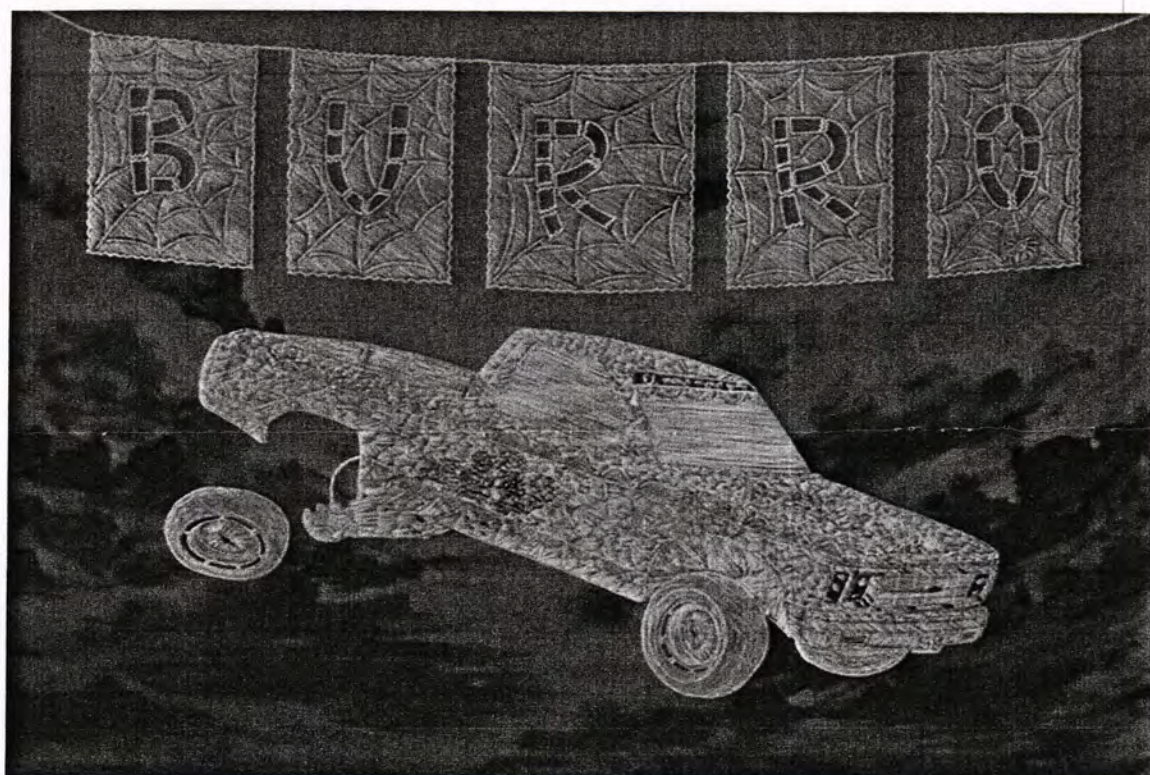
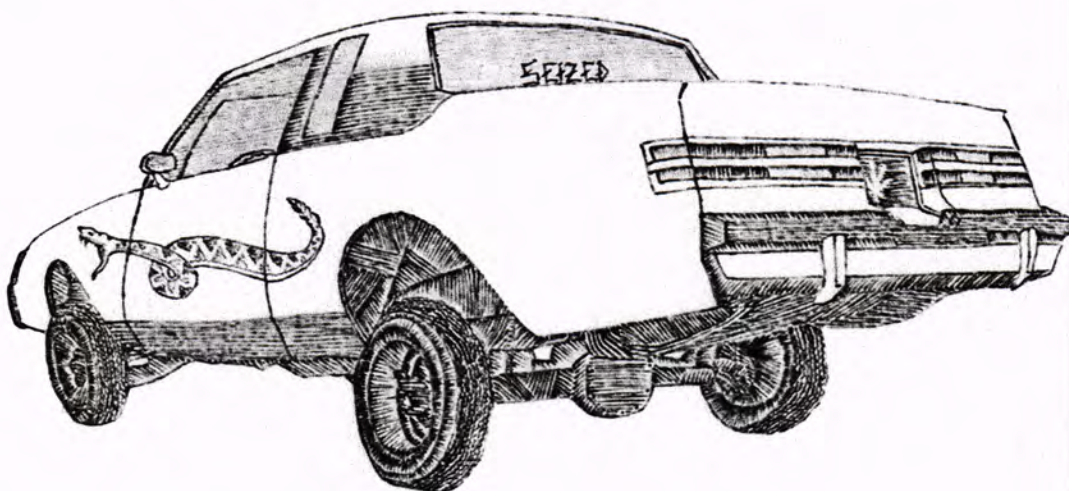
Juan Antonio Gonzalez
BK #: 9533686
El Paso County Jail An
Annex Detention Faci
12501 E. Montano
St. PASO TX 79931

May 15, 2014

Johnny, thanks for your letter. I recently visited El Paso and was able to spend some time with your grandpa Efren and grandma María. In your last letter you asked me what kind of art I liked. I don't like abstract art very much. Most art that I like is realistic. There are a couple artists that I like (mostly old dead guys). Here's an example:



Not sure if you knew it but your primo Ricky (my brother) is an artist and professor of painting at the University of Texas at San Antonio. Here are a couple examples of his art:



Well, I hope that you still have lots to read and to keep your mind preoccupied. If you need a new book, give me the title and I'll send it to you. I'm enclosing one of my favorite short stories. Hope you like it.

Take care primo.

- daniel

THE DREAM OF A RIDICULOUS MAN

A FANTASTIC STORY

FYODOR DOSTOEVSKY

I

I am a ridiculous man. They call me mad now. That would be a step up in rank, if I did not still remain as ridiculous to them as before. But now I'm no longer angry, now they are all dear to me, and even when they laugh at me - then, too, they are even somehow especially dear to me. I would laugh with them - not really at myself, but for love of them - if it weren't so sad for me to look at them. Sad because they don't know the truth, and I do know the truth. Ah, how hard it is to be the only one who knows the truth! But they won't understand that. No, they won't understand it.

Before, it caused me great anguish that I seemed ridiculous. Not seemed, but was. I was always ridiculous, and I know it, maybe right from birth. Maybe from the age of seven I already knew I was ridiculous. Then I went to school, then to the university, and what - the more I studied, the more I learned that I was ridiculous. So that for me, all my university education existed ultimately as if only to prove and explain to me, the deeper I went into it, that I was ridiculous. And as with learning, so with life. Every passing year the same consciousness grew and strengthened in me that my appearance was in all respects ridiculous. I was ridiculed by everyone and always. But none of them knew or suspected that if there was one man on earth who was more aware than anyone else of my ridiculousness, it was I myself, and this was the most vexing thing for me, that they didn't know it, but here I myself was to blame: I was always so proud that I would never confess it to anyone for anything. This pride grew in me over the years, and if it had so happened that I allowed myself to confess to anyone at all that I was ridiculous, I think that same evening I'd have blown my head off with a revolver. Oh, how I suffered in my youth over being unable to help myself and suddenly somehow confessing it to my comrades. But once I reached early manhood, I became a bit calmer for some reason, though with ever passing year I learned more and more about my terrible quality. Precisely for some reason, because to this day I cannot determine why. Maybe because a dreadful anguish was growing in my soul over one circumstance which was infinitely higher than the whole of me: namely - the conviction was overtaking me that everywhere in the world it *made no difference*. I had had a presentiment of this for a very long time, but the full conviction came during the last year somehow suddenly. I suddenly felt that it would *make no difference* to me whether the world existed or there was nothing anywhere. I began to feel and know with my whole being that *with me there was nothing*. At first I kept thinking that instead there had been a lot before, but then I realized that there had been nothing before either, it only seemed so for some reason. Little by little I became convinced that there would never be anything. Then I suddenly stopped being angry with people and began almost not to notice them. Indeed, this was manifest even in the

smallest trifles: it would happen, for instance, that I'd walk down the street and bump into people. It wasn't really because I was lost in thought: what could I have been thinking about, I had completely ceased to think then: it made no difference to me. And it would have been fine if I had resolved questions - oh, I never resolved a single one, and there were so many! But it began to *make no difference* to me, and the questions all went away.

And then, after that, I learned the truth. I learned the truth last November, precisely on the third of November, and since that time I remember my every moment. It was a gloomy evening, as gloomy as could be. I was returning home then, between ten and eleven o'clock, and I remember I precisely thought that there could not be a gloomier time. Even in the physical respect. Rain had poured down all day, and it was the coldest and gloomiest rain, even some sort of menacing rain, I remember that, with an obvious hostility to people, and now, between ten and eleven, it suddenly stopped, and a terrible dampness set in, damper and colder than when it was raining, and a sort of steam rose from everything, from every stone in the street and from every alleyway, if you looked far into its depths from the street. I suddenly imagined that if the gaslights went out everywhere, it would be more cheerful, and that with the gaslights it was sadder for the heart, because they threw light on it all. I'd had almost no dinner that day, and had spent since early evening sitting at some engineer's, with two more friends sitting there as well. I kept silent, and they seemed to be sick of me. They talked about something provocative and suddenly even grew excited. But it made no difference to them, I could see that, and they got excited just so. I suddenly told them that: "Gentlemen," I said, "it makes no difference to you." They weren't offended, but they all started laughing at me. It was because I said it without any reproach and simply because it made no difference to me. And they could see that it made no difference to me, and found that amusing.

When I thought in the street about the gaslights, I looked up at the sky. The sky was terribly dark, but one could clearly make out the torn clouds and the bottomless black spots between them. Suddenly in one of these spots I noticed a little star and began gazing at it intently. Because this little star gave me an idea: I resolved to kill myself that night. I had firmly resolved on it two months earlier, and, poor as I was, had bought an excellent revolver and loaded it that same day. But two months had passed and it was still lying in the drawer; but it made so little difference to me that I wished finally to seize a moment when it was less so - why, I didn't know. And thus, during those two months, returning home each night, I thought I was going to shoot myself. I kept waiting for the moment. And so now this little star gave me the idea, and I resolved that it would be that night *without fail*. And why the star gave me the idea - I don't know.

And so, as I was looking at the sky, this girl suddenly seized me by the elbow. The street was empty, and almost no one was about. Far off a coachman was sleeping in his droshky. The girl was about eight years old, in a kerchief and just a little dress, all wet, but I especially remembered her wet, torn shoes, and remember them now. They especially flashed before my eyes. She suddenly started pulling me by the elbow and calling out. She didn't cry, but somehow abruptly shouted some words, which she was unable to pronounce properly because she was chilled and shivering all over. She was terrified by something and shouted desperately: "Mama! Mama!" I turned my face to her, but did not say a word and went on walking, but

she was running and pulling at me, and in her voice there was the sound which in very frightened children indicates despair. I know that sound. Though she did not speak all the words out, I understood that her mother was dying somewhere, or something had happened with them there, and she had run out to call someone, to find something so as to help her mother. But I did not go with her and, on the contrary suddenly had the idea of chasing her away. First I told her to go and find a policeman. But she suddenly pressed her hands together and, sobbing, choking, kept running beside me and wouldn't leave me. It was then that I stamped my feet at her and shouted. She only cried out: "Mister! Mister!..." but suddenly she dropped me and ran headlong across the street: some other passerby appeared there, and she apparently rushed from me to him.

I went up to my fifth floor. I live in a rented room, a furnished one. It's a poor and small room, with a half-round garret window. I have an oilcloth sofa, and a table with books on it, two chairs, and an armchair, as old as can be, but a Voltaire one. I sat down, lighted a candle, and began to think. Next door, in another room, behind a partition, there was a bedlam. It had been going on for two days. A retired captain lived there, and he had guests - some six scurvy fellows, drinking vodka and playing blackjack with used cards. The previous night they'd had a fight, and I know that two of them had pulled each other's hair for a long time. The landlady wanted to lodge a complaint, but she's terribly afraid of the captain. The only other tenants in our furnished rooms are a small, thin lady, an army wife and out-of-towner, with three small children who had already fallen ill in our rooms. She and her children are afraid of the captain to the point of fainting, and spend whole nights trembling and crossing themselves, and the smallest child had some sort of fit from fear. This captain, I know for certain, sometimes stops passersby on Nevsky Prospect and begs money from them. They won't take him into any kind of service, yet, strangely (this is what I've been driving at), in the whole month that he had been living with us, the captain had never aroused any vexation in me. Of course, I avoided making his acquaintance from the very start, and he himself got bored with me from the first, yet no matter how they shouted behind their partition, and however many they were - it never made any difference to me. I sit the whole night and don't really hear them - so far do I forget about them. I don't sleep at night until dawn, and that for a year now. I sit all night at the table in the armchair and do nothing. I read books only during the day. I sit and don't even think, just so, some thoughts wander about and I let them go. A whole candle burns down overnight. I quietly sat down at the table, took out the revolver, and placed it in front of me. As I placed it there, I remember asking myself: "Is it so?" and answering myself quite affirmatively: "It is." Meaning I would shoot myself. I knew that I would shoot myself that night for certain, but how long I would stay sitting at the table before then - that I did not know. And of course I would have shot myself if it hadn't been for that girl.

II

You see: though it made no difference to me, I did still feel pain, for instance. If someone hit me, I would feel pain. The same in the moral respect: if something very pitiful happened, I would feel pity, just as when it still made a difference to me in life. And I felt pity that night: I certainly would have helped a child. Why, then,

had I not helped the little girl? From an idea that had come along then: as she was pulling and calling to me, a question suddenly arose before me, and I couldn't resolve it. The question was an idle one, but I got angry. I got angry owing to the conclusion that, if I had already resolved to kill myself that night, it followed that now more than ever everything in the world should make no difference to me. Why, then, did I suddenly feel that it did make a difference, and that I pitied the girl? I remember that I pitied her very much; even to the point of some strange pain, even quite incredible in my situation. Really, I'm unable to express the fleeting feeling I had then any better, but the feeling continued at home as well, when I had already settled at my table, and I was extremely vexed, as I hadn't been for a long time. Reasoning flowed from reasoning. It seemed clear that, if I was a man and not yet a zero, then, as long as I did not turn into a zero, I was alive, and consequently could suffer, be angry, and feel shame for my actions. Good. But if I was going to kill myself in two hours, for instance, then what was the girl to me and what did I care then about shame or anything in the world? I turned into a zero, an absolute zero. And could it be that the awareness that I would presently cease to exist *altogether*, and that therefore nothing would exist, could not have the slightest influence either on my feeling of pity of the girl, or upon the feeling of shame after the meanness I had committed? And I had stamped and shouted at the unfortunate child in a savage voice precisely because, "you see, not only do I feel no pity, but even if I commit some inhuman meanness, I can do so now, because in two hours everything will be extinguished." Do you believe this was why I shouted? I'm now almost convinced of it. It seemed clear that life and the world were now as if dependent on me. One might even say that the world was now as if made for me alone: I'd shoot myself and there would be no more world, at least for me. Not to mention that maybe there would indeed be nothing for anyone after me, and that as soon as my consciousness was extinguished, the whole world would be extinguished at once, like a phantom, like a mere accessory of my consciousness, it would be done away with, for maybe all this world and all these people were - just myself alone. I remember that, sitting and reasoning, I turned all these new questions, which came crowding one after another, even in quite a different direction and invented something quite new. For instance, there suddenly came to me a strange consideration, that if I had once lived on the moon or on Mars, and had committed some most shameful and dishonorable act there, such as can only be imagined, and had been abused and dishonored for it as one can only perhaps feel and imagine in a dream, a nightmare, and if, ending up later on earth, I continued to preserve an awareness of what I had done on the other planet, and knew at the same time that I would never ever return there, then, looking from the earth to the moon - would it *make any difference* to me, or not? Would I feel shame for that act, or not? The questions were idle and superfluous, since the revolver was already lying in front of me, and I knew with my whole being that *this* was certain to be, but they excited me, and I was getting furious. It was as if I couldn't die now without first resolving something. In short, this girl saved me, because with the questions I postponed the shot. Meanwhile, everything was also quieting down at the captain's: they had ended their card game and were settling down to sleep, grumbling and lazily finishing their squabbles. It was then that I suddenly fell asleep, something that had never happened to me before, at the table, in the armchair. I fell asleep quite imperceptibly to myself. Dreams, as is known, are extremely strange: one thing is pictured with the most

terrible clarity, with a jeweler's thoroughness in the finish of its details, and over other things you skip as if without noticing them at all - for instance, over space and time. Dreams apparently proceed not from reason but from desire, not from the head but from the heart, and yet what clever things my reason has sometimes performed in sleep! And yet quite inconceivable things happen with it in sleep. My brother, for instance, died five years ago. Sometimes I see him in my dreams: he takes part in my doings, we are both very interested, and yet I remember and am fully aware, throughout the whole dream, that my brother is dead and buried. Why, then, am I not surprised that, though he is dead, he is still here by me and busy with me? Why does my reason fully admit all this? But enough. I'll get down to my dream. Yes, I had this dream then, my dream of the third of November! They tease me now that it was just a dream. But does it make any difference whether it was a dream or not, if this dream proclaimed the Truth to me? For if you once knew the truth and saw it, then you know that it is the truth and there is and can be no other, whether you're asleep or alive. So let it be a dream, let it be, but this life, which you extol so much, I wanted to extinguish by suicide, while my dream, my dream - oh, it proclaimed to me a new, great, renewed strong life!

Listen.

III

I said that I fell asleep imperceptibly and even as if while continuing to reason about the same matters. Suddenly I dreamed that I took the revolver and, sitting there, aimed it straight at my heart - my heart, not my head; thought I had resolved earlier to shoot myself in the head, and precisely in the right temple. Having aimed it at my chest, I waited for a second or two, and my candle, the table, and the wall facing me suddenly started moving and heaving. I hastily fired.

In dreams you sometimes fall from a height, or are stabbed, or beaten, but you never feel pain except when you are somehow really hurt in bed, then you do feel pain and it almost always wakes you up. So it was in my dream: I felt no pain, but I imagined that, as I fired, everything shook inside me and everything suddenly went out, and it became terribly black around me. I became as if blind and dumb, and now I'm lying on something hard, stretched out on my back, I don't see anything and can't make the slightest movement. Around me there is walking and shouting, there is the captain's bass and the landlady's shrieking - and suddenly another break, and now I'm being carried in a closed coffin. And I feel the coffin heave and I start reasoning about that, when suddenly for the first time I'm struck by the idea that I'm dead, quite dead, I know this and do not doubt it, I can't see, I can't move, yet I feel and reason. But I quickly come to terms with it and, as is usual in dreams accept the reality without arguing.

And now, they bury me in the ground. Everyone leaves, I'm alone, completely alone. I can't move. Always before, whenever I actually imagined to myself how I would be buried in the grave, my only association with the grave proper was the feeling of dampness and cold. So now, too, I felt that I was very cold, especially the tips of my toes, but I didn't feel anything else.

I lay there and, strangely - didn't expect anything, accepting without argument that a dead man has nothing to expect. But it was damp. I don't know how much time passed - an hour, or a few days, or many days. But then suddenly a drop

of water that had seeped through the lid of the coffin fell on my closed left eye, another followed it in a minute, then a third a minute later, and so on and so on, with a minute's interval. A deep indignation suddenly blazed up in my heart, and suddenly I felt physical pain in it. "It's my wound," I thought, "it's my shot, there's a bullet there..." The drop kept dripping, each minute and straight onto my closed eye. And I suddenly called out, not in a voice, for I was motionless, but with my whole being, to the master of all that was coming to pass with me.

"Whoever you are, if you're there, and if there exists anything more reasonable than what is coming to pass now, allow it to be here, too. And if you are taking revenge on me for my unreasonable suicide by the ugliness and absurdity of my subsequent existence, know, then, that no matter what torment befalls me, it will never equal the contempt I am silently going to feel, even if the torment were to last a million years! ..."

I called out and fell silent. For almost a whole minute the deep silence lasted, and one more drop even fell, but I knew, boundlessly and inviolably, I knew and believed that everything was certain to change presently. And then suddenly my grave gaped wide. That is, I don't know whether it was opened and dug up, but I was taken by some dark being unknown to me, and we found ourselves in space. I suddenly could see again: it was deep night, and never, never has there been such darkness! We were rushing through space far from earth. I did not ask the one carrying me about anything, I waited and was proud. I assured myself that I was not afraid and swooned with delight at the thought that I was not afraid. I don't remember how long we rushed like that, and cannot imagine it: everything was happening as it always does in dreams, when you leap over space and time and over laws of being and reason, and pause only on the points of the heart's reverie. I remember that I suddenly saw a little star in the darkness. "Is that Sirius?" I asked, suddenly unable to restrain myself, for I did not want to ask about anything. "No, it is the very star you saw between the clouds, as you were returning home," the being who was carrying me replied. I knew that it had as if a human countenance. Strangely, I did not like this being, I even felt a deep revulsion. I had expected complete nonexistence and with that had shot myself in the heart. And here I am in the hands of a being - not a human one, of course - but who *is*, who exists: "Ah, so there is life beyond the grave!" I thought with the strange lightmindedness of dreams, but the essence of my heart remained with me in all its depth: "And if I must *be* again," I thought, "and live again according to someone's ineluctable will, I don't want to be defeated and humiliated!" "You know I'm afraid of you, and you despise me for it," I said suddenly to my companion, unable to hold back the humiliating question, which contained a confession, and feeling my humiliation like the prick of a needle in my heart. He did not answer my question, but I suddenly felt that I was not despised or laughed at, and not even pitied, and that our journey had an unknown and mysterious purpose which concerned me alone. Fear was growing in my heart. Something was being communicated to me, mutely but tormentingly, from my silent companion, and was as if penetrating me. We were rushing through dark and unknown spaces. I had long ceased to see constellations familiar to the eye. I knew that in the heavenly spaces there were stars whose light reached the earth only after thousands or millions of years. Maybe we were already flying through those spaces. I awaited something in a terrible anguish that wrung my heart. And suddenly the call of some highly familiar feeling shook me:

I suddenly saw our sun! I knew it could not be *our* sun, which had generated *our* earth, and that we were at an infinite distance from our sun, but for some reason I recognized, with my whole being, that it was absolutely the same as our sun, its replica and double. The call of a sweet feeling sounded delightfully in my soul: the native power of light, the same light that gave birth to me, echoed in my heart and resurrected it, and I felt life, the former life, for the first time after my grave.

"But if this is the sun, if this is absolutely the same as our sun," I cried out, "then where is the earth?" And my companion pointed to the little star that shone in the darkness with an emerald brilliance. We were rushing straight toward her.

"And are such replicas really possible in the universe, is that really the law of nature? ... And if that is the earth there, is it really the same as our earth ... absolutely the same, unfortunate, poor, but dear and eternally beloved, giving birth to the same tormenting love for herself even in her most ungrateful children? ..." I cried out, shaking with irrepressible, rapturous love for that former native earth I had abandoned. The image of the poor little girl whom I had offended flashed before me.

"You will see all," my companion replied, and some sadness sounded in his words. But we were quickly approaching the planet. It was growing before my eyes, I could already make out the ocean, the outlines of Europe, and suddenly a strange feeling of some great, holy jealousy blazed up in my heart: "How can there be such a replica, and what for? I love, I can love, only the earth I left, where the stains of my blood were left, when I, the ungrateful one, extinguished my life with a shot in the heart. But never, never did I cease to love that earth, and even on that night, as I was parting from her, I perhaps loved her more tormentingly than ever before. Is there suffering on this new earth? On our earth we can love truly only with suffering and through suffering! We're unable to love otherwise and we know no other love. I want suffering, in order to love. I want, I thirst, to kiss, this very minute, pouring out tears, that one earth alone which I left, and I do not want, I do not accept life on any other! ..."

But my companion had already left me. Suddenly, as if quite imperceptibly, I came to stand on this other earth, in the bright light of a sunny day, lovely as paradise. I was standing, it seems, on one of those islands which on our earth make up the Greek archipelago, or somewhere on the coast of the mainland adjacent to that archipelago. Oh, everything was exactly as with us, but seemed everywhere to radiate some festivity and a great, holy, and finally attained triumph. The gentle emerald sea splashed softly against the shores and kissed them with love - plain, visible, almost conscious. Tall, beautiful trees stood in all the luxury of their flowering, and their numberless leaves, I was convinced, greeted me with their soft, gentle sound, as if uttering words of love. The grass glittered with bright, fragrant flowers. Flocks of birds flew about in the air and, fearless of me, landed on my shoulders and arms, joyfully beating me with their dear, fluttering wings. And finally I got to see and know the people of that happy earth. They came to me themselves, they surrounded me, kissed me. Children of the sun, children of their sun - oh, how beautiful they were! Never on earth have I seen such beauty in man. Maybe only in our children, in their first years, can one find a remote, though faint, glimmer of that beauty. The eyes of these happy people shone with clear brightness. Their faces radiated reason and a sort of consciousness fulfilled to the point of serenity, yet they were mirthful faces; a childlike joy sounded in the

words and voices of these people. Oh, at once, with the first glance at their faces, I understood everything, everything! This was the earth undefiled by the fall, the people who lived on it had not sinned, they lived in the same paradise in which, according to the legends of all mankind, our fallen forefathers lived, with the only difference that the whole earth here was everywhere one and the same paradise. These people, laughing joyfully, crowded around me and caressed me; they took me with them and each of them wished to set me at ease. Oh, they didn't ask me about anything, but it seemed to me as if they already knew everything, and wished quickly to drive the torment from my face.

IV

You see, once again: well, let it be only a dream! But the feeling of love from these innocent and beautiful people remained in me ever after, and I feel that their love pours upon me from there even now. I saw them myself, I knew them and was convinced, I loved them, I suffered for them afterward. Oh I at once understood, even then, that in many ways I would never understand them; to me, a modern Russian progressive and vile Petersburger, it seemed insoluble, for instance, that they, while knowing so much, did not have our science. But I soon realized that their knowledge was fulfilled and nourished by different insights than on our earth, and that their aspirations were also quite different. They did not wish for anything and were at peace, they did not aspire to a knowledge of life, as we do, because their life was fulfilled. But their knowledge was deeper and loftier than our science; for our science seeks to explain what life is it aspires to comprehend it, in order to teach others to live; but they know how to live even without science, and I understood that, but I could not understand their knowledge. They pointed out their trees to me, and I could not understand the extent of the love with which they looked at them: as if they were talking with creatures of their own kind. And you know, perhaps I wouldn't be mistaken if I said that they did talk to them! Yes, they had found their language, and I'm convinced that the trees understood them. They looked at the whole of nature in the same way - at the animals, who lived in peace with them, did not attack them, and loved them, won over by their love. They pointed out the stars to me and talked of them with me about something I couldn't understand, but I'm convinced that they had some contact, as it were, with the heavenly stars, not just in thought, but in some living way. Oh, these people did not even try to make me understand them, they loved me even without that, but on the other hand I knew that they would also never understand me, and therefor I hardly ever spoke to them about our earth. I only kissed before them that earth on which they lived and wordlessly adored them, and they saw it allowed me to adore them without being ashamed of my adoring them, because they loved much themselves. They did not suffer for me when sometimes, in tears, I kissed their feet, joyfully knowing at heart with what force of love they would respond to me. At times I asked myself in astonishment: how could they manage, all this while, not to insult a man such as I, and never once provoke in a man such as I any feeling of jealousy or envy? Many times I asked myself how I, a braggart and a liar, could manage not to speak to them about my knowledge - of which they, of course, had no notion - not to wish to astonish them with it, if only out of love for them? They were frisky and gay as children. They wandered through their

beautiful groves and forests, they sang their beautiful songs, they ate their light food - fruit from their trees, honey from their forests, and milk from the animals who loved them. For their food and clothing they labored little and but lightly. There was love among them, and children were born, but I never observed in them any impulses of that *cruel* sensuality that overtakes almost everyone on our earth, each and every one, and is the only source of almost all the sins of our mankind. They rejoiced in the children they had as new partakers of their bliss. Among them there was no quarreling or jealousy, they did not even understand what it meant. Their children were everyone's children, because they all constituted one family. They had almost no illnesses, though there was death; but their old people died quietly, as if falling asleep, surrounded by those bidding them farewell, blessing them, smiling at them, and receiving bright parting smiles themselves. I saw no sorrow or tears at that, there was only love increased as if to the point of rapture, but a rapture that was calm, fulfilled, contemplative. One might think they were in touch with their dead even after their death and that the earthly union between them was not interrupted by death. They barely understood me when I asked them about eternal life, but they were apparently so convinced of it unconsciously that it did not constitute a question for them. They had no temples, but they had some essential, living, and constant union with the Entirety of the universe; they had no faith, but instead had a firm knowledge that when their earthly joy was fulfilled to the limits of earthly nature, there would then come for them, both for the living and for the dead, a still greater expansion of their contract with the Entirety of the universe. They waited for this moment with joy, but without haste, without suffering over it, but as if already having it in the presages of their hearts, which they conveyed to one another. In the evenings, before going to sleep, they liked to sing in balanced, harmonious choruses. In these songs they expressed all the feelings that the departing day had given them, praised it, and bade it farewell. They praised nature, the earth, the sea, the forest. They liked to compose songs about each other and praised each other like children; these were the most simple songs, but they flowed from the heart and penetrated hearts. And not in songs only, but it seemed they spent their whole life only in admiring each other. It was a sort of mutual being-in-love, total, universal. And some of their songs, solemn and rapturous, I hardly understood at all. While I understood the words, I was never able to penetrate their full meaning. It remained as if inaccessible to my mind, yet my heart was as if unconsciously pervaded by it more and more. I often told them that I had long ago had a presentiment of all this, that all this joy and glory had already spoken to me on our earth in a anguished call, sometimes reaching the point of unbearable sorrow; that I had a presentiment of them all and of their glory in the dreams of my heart and the reveries of my mind, that I had often been unable, on our earth, to watch the setting sun without tears . . . That my hatred of the people of our earth always contained anguish: why am I unable to hate them without loving them, why am I unable not to forgive them, and why is there anguish in my love for them: why am I unable to love them without hating them? They listened to me, and I saw that they could not imagine what I was talking about, but I did not regret talking to them about it: I knew they understood all the intensity of my anguish for those whom I had abandoned. Yes, when they looked at me with their dear eyes pervaded by love, when I felt that in their presence my heart, too, became

as innocent and truthful as theirs, I did not regret not understanding them. The feeling of the fullness of life took my breath away, and I silently worshipped them.

Oh, everyone laughs in my face now and assures me that even in dreams one cannot see such details as I'm now telling, that in my dream I saw or felt only a certain sensation generated by my own heart in delirium, and that I invented the details when I woke up. And when I disclosed to them that perhaps it was actually so - God, what laughter they threw in my face, and what fun they had at my expense! Oh, yes, of course, I was overcome just by the sensation of that dream, and it alone survived in the bloody wound of my heart: yet the real images and forms of my dream, that is, those that I actually saw at the time of my dreaming, were fulfilled so harmoniously, they were so enchanting and beautiful, and so true, that having awakened, I was, of course, unable to embody them in our weak words, so that they must have been as if effaced in my mind, and therefore, indeed, perhaps I myself unconsciously was forced to invent the details afterward; and of course distorted them, especially with my so passionate desire to hurry and tell them at least somehow. And yet how can I not believe that it all really was? And was, perhaps a thousand times better, brighter, and more joyful than I'm telling? Let it be a dream, still it all could not but be. You know, I'll tell you a secret: perhaps it wasn't a dream at all! For here a certain thing happened, something so terribly true that it couldn't have been imagined in a dream. Let my dream have been generated by my heart, but was my heart alone capable of generating the terrible truth that happened to me afterward? How could I myself invent or imagine it in my heart? Can it be that my paltry heart and capricious, insignificant mind were able to rise to such a revelation of the truth! Oh, judge for yourselves: I've concealed it so far, but now I'll finish telling this truth as well. The thing was that I ... corrupted them all!

V

Yes, yes, it ended with me corrupting them all! How it could have happened I don't know, but I remember it clearly. The dream flew through thousands of years and left in me just a sense of the whole. I know only that the cause of the fall was I. Like a foul trichina, like an atom of plague infecting whole countries, so I infected that whole happy and previously sinless earth with myself. They learned to lie and began to love the lie and knew the beauty of the lie. Oh, maybe it started *innocently*, with a joke, with coquetry, with amorous play, maybe, indeed, with an atom, but this atom of lie penetrated their hearts, and they liked it. Then sensuality was quickly born, sensuality generated jealousy, and jealousy - cruelty... Oh, I don't know, I don't remember, but soon, very soon, the first blood was shed; they were astonished and horrified, and began to part, to separate. Alliances appeared, but against each other now. Rebukes, reproaches began. They knew shame, and shame was made into a virtue. The notion of honor was born, and each alliance raised its own banner. They began tormenting animals, and the animals withdrew from them into the forests and became their enemies. There began the struggle for separation, for isolation, for the personal, for mine and yours. They started speaking different languages. They knew sorrow and came to love sorrow, they thirsted for suffering and said that truth is attained only through suffering. Then science appeared among them. When they became wicked, they began to talk of brotherhood and

humaneness and understood these ideas. When they became criminal, they invented justice and prescribed whole codices for themselves in order to maintain it, and to ensure the codices they set up the guillotine. They just barely remembered what they had lost, and did not even want to believe that they had once been innocent and happy. They even laughed at the possibility of the former happiness and called it a dream. They couldn't even imagine it in forms and images, but - strange and wonderful thing - having lost all belief in their former happiness, having called it a fairy tale, they wised so much to be innocent and happy again, once more, that they fell down before their hearts' desires like children, they deified their desire, they built temples and started praying to their own idea, their own "desire," all the while fully believing in its unrealizability and unfeasibility, but adoring it in tears and worshipping it. And yet, if it had so happened that they could have returned to that innocent and happy condition which they had lost, or if someone had suddenly shown it to them again and asked them: did they want to go back to it? - they would certainly have refused. They used to answer me: "Granted we're deceitful, wicked and unjust, we *know* that and weep for it, and we torment ourselves over it, and torture and punish ourselves perhaps even more than that merciful judge who will judge us and whose name we do not know. But we have science, and through it we shall again find the truth, but we shall now accept it consciously, knowledge is higher than feelings, the consciousness of life is higher than life. Science will give us wisdom, wisdom will discover laws, and knowledge of the laws of happiness is higher than happiness." That's what they used to say, and after such words each of them loved himself more than anyone else, and they couldn't have done otherwise. Each of them became so jealous of his own person that he tried as hard as he could to humiliate and belittle it in others, and gave his life to that. Slavery appeared, even voluntary slavery: the weak willingly submitted to the strong, only so as to help them crush those still weaker than themselves. Righteous men appeared, who came to these people in tears and spoke to them of their pride, their lack of measure and harmony, their loss of shame. They were derided or stoned. Holy blood was spilled on the thresholds of temples. On the other hand, people began to appear who started inventing ways for everyone to unite again so that each of them, without ceasing to love himself more than anyone else, would at the same time not hinder others, and thus live all together in a harmonious society, as it were. Whole wars arose because of this idea. At the same time, the warring sides all firmly believed that science, wisdom, and the sense of self-preservation would finally force men to unite in a harmonious and reasonable society, and therefore, to speed things up meanwhile, the "wise" tried quickly to exterminate all the "unwise," who did not understand their idea, so that they would not hinder its triumph. But the sense of self-preservation quickly began to weaken, proud men and sensualists appeared who directly demanded everything or nothing. To acquire everything, they resorted to evil-doing, and if that did not succeed - to suicide. Religions appeared with a cult of nonbeing and self-destruction for the sake of eternal peace in nothingness. Finally, these people grew weary in meaningless toil, and suffering appeared on their faces, and these people proclaimed that suffering is beauty, for only in suffering is there thought. They sang suffering in their songs. I walked among them, wringing my hands, and wept over them, but I loved them perhaps still more than before, when there was as yet no suffering on their faces and they were innocent and so beautiful. I loved their defiled earth still more than when it had been a paradise, only because

grief had appeared on it. Alas, I had always loved grief and sorrow, but only for myself, for myself, while over them I wept, pitying them. I stretched out my arms to them, in despair accusing, cursing, and despising myself. I told them that I, I alone, had done it all; that it was I who had brought them depravity, infection, and the lie! I beseeched them to crucify me on a cross, I taught them how to make a cross. I couldn't, I hadn't the strength to kill myself, but I wanted to take the suffering from them, I longed for suffering, I longed to shed my blood to the last drop in this suffering. But they just laughed at me and in the end began to consider me some sort of holy fool. They vindicated me, they said they had received only what they themselves had wanted, and that everything could not but be as it was. Finally, they announced to me that I was becoming dangerous for them and that they would put me in a madhouse if I didn't keep quiet. Here sorrow entered my soul with such force that my heart was wrung, and I felt I was going to die, and here ... well, here I woke up.

It was already morning, that is, not light yet, but it was about six o'clock. I came to my senses in the same armchair, my candle had burned all the way down, everyone was asleep at the captain's, and around me was a silence rare in our apartment. First of all, I jumped up extremely surprised; nothing like that had ever happened to me, even down to trifling little details: for instance, never before had I fallen asleep in my armchair like that. Here suddenly, while I was standing and coming to my senses - suddenly my revolver flashed before me, ready, loaded - but I instantly pushed it away from me! Oh, life, life now! I lifted up my arms and called out to the eternal truth; did not call out, but wept; rapture, boundless rapture, elevated my whole being. Yes, life and - preaching! I decided on preaching that same moment, and, of course, for the rest of my life! I'm going out to preach, I want to preach - what? The truth, for I saw it, saw it with my own eyes, saw all its glory!

And so, since then I've been preaching! What's more - I love those who laugh at me more than all the rest. Why that's so I don't know and can't explain, but let it be so. They say I'm already getting confused now, that is, if I'm already so confused now, how will it be later? The veritable truth: I'm getting confused now, and maybe it will be worse later. And of course I'm going to get confused a few times before I discover how to preach, that is, in what words and in what deeds, because it's very hard to do. I see it clear as day even now, but listen: is there anyone who doesn't get confused? And yet everyone goes toward one and the same thing, at least everyone strives for one and the same thing, from the sage to the last robber, only by different paths. This is an old truth, but what is new here is this: I cannot get very confused. Because I saw the truth, I saw and I know that people can be beautiful and happy without losing the ability to live on earth. I will not and cannot believe that evil is the normal condition of people. And they all laugh merely at this belief of mine. But how can I not believe: I saw the truth - it's not that my mind invented it, but I saw it, I saw it, and its *living image* filled my soul for all time. I saw it in such fulfilled wholeness that I cannot believe it is impossible for people to have it. And so, how could I get confused? I'll wander off, of course, even several times, and will maybe even speak in other people's words, but not for long: the living image of what I saw will always be with me and will always correct and direct me. Oh, I'm hale, I'm fresh, I'm going, going, even if it's

for a thousand years. You know, I even wanted to conceal, at first, that I corrupted them all, but that was a mistake - already the first mistake! But truth whispered to me that I was *lying*, and guarded and directed me. But how to set up paradise - I don't know, because I'm unable to put it into words. After my dream, I lost words. At least all the main words, the most necessary ones. But so be it: I'll go and I'll keep talking, tirelessly, because after all I saw it with my own eyes, thought I can't recount what I saw. But that is what the scoffers don't understand: "He had a dream," they say, "a delirium, a hallucination." Eh! As if that's so clever? And how proud they are! A dream? what is a dream? And is our life not a dream? I'll say more: let it never, let it never come true, and let there be no paradise (that I can understand!) - well, but I will preach all the same. And yet it's so simple: in one day, *in one hour* - it could all be set up at once! The main thing is - love others as yourself, that's the main thing, and it's everything, there's no need for anything else at all: it will immediately be discovered how to set things up. And yet this is merely an old truth, repeated and read a billion times, but still it has never taken root! "The consciousness of life is higher than life, the knowledge of the laws of happiness is higher than happiness" - that is what must be fought! And I will. If only everyone wants it, everything can be set up at once.

And I found that little girl . . . And I'll go! I'll go!

SUPPLEMENTAL REPORT

Agency: EPPD

OCA 12269198

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

1330 Hours

Undersigned was tasked to find the offender's mother. Undersigned found out her name from School records as Jessica Gonzalez with an address of [REDACTED] in El Paso, Tx.

Undersigned went to the address of [REDACTED] and met with the manager/owner [REDACTED]. He advised that no such name ever lived at the apartments.

1445 Hours

[REDACTED]

1450 Hours

[REDACTED]

Undersigned obtained a statement from Garcia. He advised that he was in his bedroom when his mother told him something was happening outside. He did not see the incident. See statement for details.

1530 Hours

Undersigned received 3 emails from Mrs. Kreye from Sunset High School. The emails were 7 pages and they were from the offender's teachers advising that the offender was a good student with decent grades.

10-4-12 (THURSDAY)

1330 Hours

Undersigned received an email from Fire Deputy Chief Muro to call the personnel from Station 7 at 915-565-7860 in order to schedule them for interviews.

1350 Hours

Undersigned sent an email to the Adams County Sheriff's Office, 208-253-4227, asking to make contact with a Jessica Hernandez at [REDACTED] in New Meadows, ID, 83654.

1645 Hours

Undersigned received a message to call Jessica Hernandez at 208-347-3840.

JESSICA DELMOTT HERNANDEZ

[REDACTED]

SUPPLEMENTAL REPORT

Agency: EPPD

OCA 12269198

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

New Meadows, ID, 83654

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

She advised that she is from Utah and she met Jesus Gonzalez in Utah and they were married in 1994 and divorced in 1998. She advised that the offender was born in Salt Lake City, Utah. They moved to Iowa when the offender was 2 or 3 years old and when the offender was 5 years old, Jesus left to El Paso with the offender. She advised that they could not get along because Jesus had a hot temper. She advised that he was arrested for family violence against her and she saw one time that Jesus hit the offender with a waffle ball racket after the offender spilled windex at the age of 3. When the offender was about 10 years of age, she moved to El Paso to try and make things work with Jesus but it didn't and she moved back after about 2 weeks.

She stated that she talks to the offender once in a while over Facebook. She keeps track of what he does on Facebook. She stated that she knew he was attended Sunset High School and knows that he was getting in trouble. She stated that the offender talks a lot about marijuana and alcohol. She even called Jesus to tell him about it and Jesus denied it. She stated that she believes the offender has anger problems like his father and she knows that both of them butt heads a lot. She was asked if the offender takes judo classes and she stated that she didn't know if he did. She was also asked if he was homosexual and she stated that she did not know but did state that he has a girlfriend because she has seen it on Facebook. She advised that she noticed that the offender has deactivated his Facebook account.

She has a son that is 13 years of age and another son that was born on Sunday, 9-30-12.

She stated that the offender ran away from home not long ago and he reached out to her and her mother agreed to buy him a bus ticket for him to go to Iowa but he ended up going home instead. She stated that he was away from home for about 3-4 days.

She advised that the offender's family has the means to bond him out of jail and if the offender gets out of jail, he will run and hide from justice.

10-4-12 (FRIDAY)

0945 Hours

Undersigned learned that the victim was pronounced dead from his injuries at UMC.

10-8-12 (MONDAY)

1510 Hours

Undersigned turned in the below evidence into the HQ evidence mailbox.

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
346TH JUDICIAL DISTRICT

THE STATE OF TEXAS

CAUSE NO. 20120D05048

VERSUS

CHARGE: Capital Murder Of A Peace Officer Or
Fireman

Juan Antonio Gonzalez

2012 NOV 19 AM 10 05

EL PASO COUNTY

BY *M. Sandoval*

ORDER SETTING BOND

BE IT REMEMBERED on this day that this Court considered the Motion to Set/Reduce Bond on the defendant in the above-entitled and numbered cause. It is ORDERED, ADJUDGED and DECREED that the bond should be set at:

Corporate Surety or Cash:

\$ 1,000,000.00

Personal Recognizance:

\$ 1,000,000.00

Conditioned as Follows:

☒ Regular Restrictions and Reporting

(Home bound)

☐ Electronic Monitoring

☒ Curfew:

From:

Home bound

Until:

☒ Co-signed by:

Eileen Gonzalez Jesus Gonzalez Juventino Gonzalez

☒ Not come within 200 ft. of Alleged Victim:

contact of Mr. Gomez and Mr. Medina at all

☒ Give Sample of Urine Upon Request; Use No Illegal Drug or Alcohol

No contact with family of the victim

Report: ☒ By Phone:

☐ Once a Week

☐ Twice a Week

☐ Daily

☒ In Person

☒ Once a Week

☐ Twice a Week

☐ Daily

* All three family individuals
(Grandfather, Aunt & Uncle)
must co-sign the PR bond

Signed this

19th

day of

November

2012

Approved as to From:

Attorney for Defendant

Assistant District Attorney

Appendix K